Council. It should have been very carefully and sincerely scrutinised by the Hon'ble Members of that Council and this section forms part of that Bill. This new section was there and is there even to-day in the Madras Act. As regards the other objection that it is going to explode or under mine the whole Bill and place the live stock entirely in a degenerated condition as manipulated it has been explained already. It may be that coins which cannot be passed on to the treasury can be easily deposited in the temple. Gold of low purity can be used for making ornaments in temples. My respectful submission is that we must place confidence on the good sense of the donor dedicating the right thing when we dedicate a thing to God we d it with a sentiment. The best only we do and not the worst as adverted to by the Hon'ble Member Mr. Govinda Pai. I have also some experience. While I was a student here a bull was dedicated from Thottakat house. I have climbed some mango trees here for avoiding him. There was a famous Kachan's keetan which was dedicated at the time of Sir T. Vijayaraghavachari. Those things we cannot forget. The right of the man who wants to dedicate the bull should not be prevented. He should not be prevented from exercising his religious rights. Dedication of a castrated bull is descration.

There is another aspect also, Sir, when a bull is dedicated to a temple its castration is unthinkable and unthought of. The difficult possibility of the whole herd of cattle of the State being contaminated by a bull or two roaming about in a temple I do not think it so serious or important as to make this Hon'ble House to some to the conclusion that this amendment is uncalled for. Therefore, I commend this to the acceptance of this House and as was remarked by the Hon'ble Minister I also leave it to the judgment of the House.

Motion put and lost

Mr. K. Narayanan Menon *(Mulakunnathukavu)*: A poll, Sir.

Ayes

Messrs.	1.	Mrs. Thankamma N. Menon	Messrs.	5.	Popatlal Goverdhan Lalan
	2.	C. V. Iyyu		6.	A. T. Kunhipalu
	3.	K. S. Panicker		7.	K. Narayana Menon
	4.	P. Narayana Menon		8.	N. Govinda Pai

Noes

Messrs.	1.	Khan Sahib Ismail Haji Easa Sait	Messrs.	8.	V. K. Bhaskara Menon
	2.	B. M. Peter		9.	Rao Sahib K. Ayyappan
	3.	K. T. Achyutan		10.	George Panikulam
	4.	K. R. Achyutan		11.	T. S. Ramachandra Ayyar
	5.	A. Eachara Menon		12.	M. Krishna Menon
	6.	Joseph Petta		13.	V. K. Kutty
	7.	T. P. Poulose		14.	P. K. Krishnan
				15.	C. K. Nayar

Mr. President: 8 for and 15 against. The motion is lost.

Clause 1 put and carried

Title and Preamble put and carried

Mr. T. K. Nayar *(Minister for Rural Development)*: Sir, I move that this Bill be taken up for final consideration on Monday.

Mr. M. Sivarama Menon *(Advocate-General)*: I second it.

Motion put and carried

The Cochin Vagrancy Bill

Mr. C. J. Mathew *(Joint Secretary to Government)*: Mr. President, Sir, I rise to move that the Cochin Vagrancy Bill be read in Council.

In making this motion for the acceptance of this House I should like to explain briefly the history of this legislation, the fundamental principles underlying it, as also a summary of its main provisions.

History of the legislation.—Hon'ble Members of this House must be aware that the problem of beggars in this State has been, for a long time past, the subject of constant discussion not only inside this House but outside also. As a result of one such discussion on the floor of this House in December 1935, Government appointed an *ad hoc* committee to suggest ways and means to solve the problem. The scheme put forward by that committee was an impracticable one. Its

LIBRARY ARCHIVES Kerala Legislative Assembly

chief defect lay in its omission to include suitable legislative measure to bring poor relief within the realm of State action and practical politics. In 1940 Mr. M. K. Devassy obtained leave of this House to introduce his Cochin Vagrancy Bill, but, his motion for introduction was lost. The beggar problem however continued to grow more and more acute and the abnormal conditions created by the present war, especially the food shortage, rendered the situation almost critical. Therefore, just about an year ago, on 24th July 1943, Government appointed a committee consisting mostly of Hon'ble Members of this House to tackle this problem and formulate a scheme for the benefit of the beggars the disabled and the deseased. The committee has submitted a very comprehensive report on the subject and also a draft Bill to fill in the legislative gap. I am sure Hon'ble Members would have read with interest the committee report and the scheme of beggar relief which it has advocated. The Bill now before you is, as mentioned in the Statement of Objects and Reasons, the Outcome of this report.

Principles of the Bill.—The main principles on which the committee has based his recommendations are (1) that Vagrancy as a profession or means of livelihood should be prohibited by legislation, (2) that the disabled and infirm vagrants adversely affected by such legislation should be given adequate relief by providing suitable institutions for their protection and care, (3) that such relief-institutions should be managed directly by Government, and (4) that the bulk of the financial burden involved should be borne by Government by the levy of a cess. Government have accepted those broad principles and the Bill before this House is intended to achieve those laudable objects.

Beggeary is undoubtedly the most sinister of special evils and a legislative measure calculated to eradicate this evil must be most welcome to us all. I shall not tire the patience of this House by elaboration on the principles above mentioned and their value as a basis for poor relief, nor on the importance and extreme urgency for this badly needed social legislation in a progressive state like ours, but shall content myself with referring the House to the committee report itself where these measures are discussed in all their details. In this country begging is sometimes given a moral and religious significance. There is more religion in providing institutions where the able-bodied will find work and the disabled will be taken care of, than in the indiscriminate giving of alms. The committees' conclusions are based on the largest measure of public opinion and I am sure the Hon'ble Members will have absolutely no hesitation in accepting them.

I shall now take the House through the main provisions of the Bill. The Bill seeks to prohibit the asking for alms and provides for the detention of vagrants in Relief Settlements to prevent them from resorting to vagrancy. The vagrants, are to be declared as such, after a proper judicial enquiry, by a Magistrate before they are so detained.

Provision is made in the Bill to open at least one Receiving centre in each local area for the reception and classification of vagrants and their despatch to Relief Settlements to be established in each local area for their protection and care. Each Relief Settlement is to include provision for teaching of agricultural, industrial or other pursuits and for the general education and medical care of the inmates. Special provision has been included with regard to the segregation of insane persons, persons with contageous diseases, children and women. Discharge of an inmate from a Relief Settlement is contingent on suitable employment being obtained for him or on such other circumstances which would prevent him from relapsing into vagrancy again.

The Bill provides for the appointment of a vagrancy officer together with the necessary staff to carry out the purposes of the Bill. For giving advice to Government in their administration of relief, provision is also made for the appointment of a Central Advisory Committee and Local Committees, having non-official majorities and adequate powers of inspection.

The Bill includes provision for the expulsion out of the State, of non-State vagrants and the prevention of their re-entry. Hon'ble Members will agree that unless such a power is taken our State will become a heaven for foreign vagrants—a contingency which we should forestall and adequately prevent.

To finance the scheme the Bill provides for the levy of a vagrancy cess at a uniform rate of one anna for every rupee of all taxes paid by the public, such as land tax, income-tax including super-tax, profession tax and property tax. In making thes provision Government have only accepted the recommendations of the Committee in this regard and I would invite the attention of the House to para 95 of the Committee report for further elucidation on the point. The central idea underlying this proposal of taxation is to make the more fortunate members of the community to contribute towards the relief of their less fortunate brothren. The Bill therefore aims at bringing as many of the former class of people as possible within the purview of the cess.

LIBRARY ARCHIVES Kerala Legislative Assembly

Hon'ble Members would readily see that in such a measure the plea of double taxation will have but little value. The Bill also provides for the appropriation by Government of the "Dharmav" collections made by merchants and their utilisation for the more organised charity contemplated by the Bill.

I assure the House that the mode of taxation provided in the Bill is not the last word on the question, so far as Government are concerned. Government would agree to consider any reasonable alternative method which may be suggested by the House. It is my intention to move for referring this Bill to a select committee of this House and so I leave this question open for the select committee and this House for further consideration.

I have dealt with the broad features of the Bill and its main provisions. Students of History are aware that the abolition of vagrancy was almost the starting point of the progress of England. In India, this Bill is by no means the first of its kind. The Hydrabad Prevention of Beggary Act, 1942 and the Bengal Vagrancy Ordinance, 1943 are existing statutes calculated to achieve the same end. Similar legislative meaures are understood to be under contemplation in Mysore, Baroda and Travancore. I would inform the House that the present Bill is prepared on the basis of the Bengal Vagrancy Ordinance which has been in force in Bengal for over a year now.

I need not emphasise that this Bill deserves the most earnest consideration of this House. This is a measure upon which this House may justly pride itself, I request that the House may be pleased to accept my motion.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, I have seconded this motion and my purpose in rising up on this occasion is to direct the attention of the House to one particular feature in this Bill. It has been explained already that the idea of the Government is to have a centralised control of the administration relating to relief of vagrancy. But one distinguishing feature is that there shall be a central committee for the whole State composed of not more than 12 members of which the Bill has provided, that the majority shall be non-officials. A committee composed of a majority of non-officials shall constitute the central advisoary board to advice the Government on all matters connected with the administration of the provisions contained in this Bill and that central committee has also got the power to constitute local committees in other areas. The central committee will have the benefit of the advice of the local non-official committees constituted by them and the central committee will have a predominant voice in the carrying out of the provisions contained in this Bill so that even though the Government is to take up the central control and administration in their own hands the non-official opinion is taken into close contact for working out the provisions of this Bill and I think this wholesome feature of the Bill cannot but bear good fruits in the future.

Mr. Joseph Pettah *(Adur):* Mr. President, Sir, I regret I have to oppose the Bill. I readily and gladly admit that the object of the Bill, namely to prevent vagrancy and to provide for the relief of all the deserving beggars, is very laudable indeed. But the machinery as provided in the Bill, by which this laudable object is sought to be attained, is fundamentally defective. I wish to point out this fundamental defect of the Bill and to propose a machinery which would solve the problem of beggar relief in our State more effectively by affording the maximum relief to the deserving beggars at minimum cost to the Government and to the public at large.

The Bill, Sir, has been prepared by the Government in pursuance of the Report presented by the committee appointed by them to investigate the beggar problem in the State and to propose ways and means of solving it. The committee, it is true, took some trouble to ascertain public opinion on this important problem. Nevertheless, many of their conclusions have been onesided and hence incorrect and illcalculated to meet the situation. In particular, I could not see eye to eye with the committee in their major recommendation regarding the management of poor relief, namely that this management should be *directly* undertaken by the Government, the more so because the facts recorded by the committee itself in the report point to the very opposite conclusion. In fairness to the committee, however, it must be pointed out that, while the committee recommended direct government management as the main plank in the machinery of beggar relief, they did not totally ignore the yoeman service which private agency in the State has been doing, and could still continue to do, in this field of humanitarian charity. To use the committee's own words: "The Orphanages, the Waifs and Strays Homes, Homes for the Destitutes, Poor Houses, Houses of Providence, etc., are rendering yoeman service to the homeless and the destitute in many parts of the State. But for them the beggar population of the State would have been perhaps much larger than it is to-day". Again, referring to the future, they say: "One may ask whether there is any place at all for any such dispensers of private

LIBRARY ARCHIVES Kerala Legislative Assembly

charity when Government runs its own poor relief institutions on a State-wide scale. We submit that poverty is at present, and will be in future also, so rampent in the land that there is bound to be ample scope for both public and private organisations of poor relief to exist and work side by side. We do desire private relief institutions to flourish and to continue to serve the poor and to serve them on right lines and in right spirit. We further wish such institutions to work on humanitarian principles, similar to those we have advocated and thereby supplement the relief measures that are undertaken by Government, according to its scheme. Such private agencies as would thus co-operate with Government to eradicate poverty and beggary in a spirit of really humanitarian charity properly deserve Government recognition and support. We, therefore, recommend that such agencies should be helped by Government according to their deserts".

I would have greatly wished the committee to have given the first place, Sir, to private agency in the scheme of beggar relief, and provided for *direct action* by Government only in places where no competent private agency was forthcoming to shoulder this responsibility. However, it is some consolation that the Committee have assigned to private agency at least a subordinate role. They have devoted one chapter of their Report to an appreciation of the work done by private philanthropic institutions in the State, and to the terms and conditions on which aid should be given to them. Also they have included a section to this effect in the draft Bill presented by them along with their report.

But, alas, Sir, even this niggardly irreducible minimum of recognition vouchsafed by the committee to private institutions in this socio-economic field, has simply disappeared when the Bill went through the pruning process at the hands of the Government draftsmen; and in the form in which it is now presented to us there is in the Bill not a single word of reference to the large volume of selfless service contributed by institutions of various Castes and Creeds in the State to the cause of suffering humanity; nor any single provision safeguarding their future in the proposed scheme of relief work. The reasons and motives which prompted the Government draftsmen to make such a substantial and significant departure from the Committee's Report and Draft Bill, I can hardly understand. But, whatever the motives be, the change effected has made the somewhat defective draft Bill of the Committee still more defective and unacceptable. Sir, I wish to make it plain to every Hon'ble Member of this House that I am not at all opposed to the idea of Government *controlling* and *supervising* the whole scheme of beggar relief in the State. Nor am I opposed to the idea of Government taking the direct initiative in places where no dependable private agency comes forward to undertake the work. What I strongly object to, is the attempt made in the Bill to ignore the private agency altogether and to concentrate and *centralise the entire beggar-relief activity throughout the State under the direct* and *immediate management of the Government.*

Let me explain my reasons for taking up this attitude. My first argument, Sir, is that in the socio-economic field the proper role of Government should be to encourage and supplement private initiative and enterprise, and not to supplant or supersede it. Of course, in abnormal circumstances Government may find it necessary directly to take up several socio-economic functions which if left to private initiative, may not be performed to the full satisfaction of all the conflicting interests concerned. The activities of the Food Department in the war conditions of today furnish an illustration in point. But beggar relief does not come within the category of such problems. Nor are we planning beggar relief primarily as a war measure. We have to take a longer view of this problem than for the duration of the war, and shape our plans to solve it, accordingly.

Secondly, direct management of beggar relief by Government cannot, in the nature of things, be much of a success. *Abiding* success in this line would require in the members of the working staff the qualities of sympathy and enthusiasm, industry and integrity, a good bit of missionary zeal and selflessness, the willingness, nay the eagerness to serve, suffer and sacrifice for their needy and helpless brothren, without any expectation of any earthly reward. And it has to be regetfully admitted that any great measure of such qualities may not he expected of the Government servants who will have to work the Scheme in case Government undertakes direct management. They will be there, not because of any personal taste, philanthropic zeal, or special vocation, but merely because they are paid for it by Government. It implies no reflection on individual Government servants, it is in the nature of things and we connot shut our eyes on it, if we decide to be realistic in regard to this important problem. The Committee itself appears to have felt the strength of this argument when they said in their Report. "We feel we should even at the risk of repetition, emphasise our conviction that the success of the scheme obviously depends almost entirely on the personnel of the Beggar Relief Officer. A

LIBRARY ARCHIVES Kerala Legislative Assembly

very competent person, with good personality, winning manners, and sympathy for the poor and destitute, who will cheerfully do selfless work, should be selected for the post of the Begger Relief Officer; and he should be paid decently so that he may carry on his duties efficiently and contentedly. This observation applies equally to the members of the Staff.....and we have kept this in view when suggesting the rates of pay of the Staff"—wise words and true, indeed. But if ever the Committee expected that fat Government salaries could always procure the selfless services of such ideal men, then all I could say is that the Committee was fondly but vainly hoping for the impossible.

Again direct action by Government in the socio-economic field generally and in regard to beggar-relief in particular, is bound to be too costly, indeed much more costly then subsidized private effort, in respect of both initial and recurring expenditure. As regards initial outlay on buildings, etc., only 60 to 70 per cent of the sanctioned amounts will give a commensurate return, the balance finding its way into the pockets of the contractors and their well wishers. So, too, in the matter of recurring expenditure a good portion will be consumed by establishment charges, P. C. R. and the like, and only the balance will be spent directly on the food, clothing, and other primary necessaries of the beggars; nay, of this too, allowance will have to be made for the disproportionate profits and deceitful commissions of the provision suppliers, clothing contractors, etc., etc., and for the petty misappropriations of the subordinate staff; so that out of the huge expenditure incurred by Government on behalf of the beggars, the actual benefit accruing to them would be rediculously small. These are unpleasant but indisputable facts; facts which are known to everybody but which nobody would come forward to prove. "What does it matter to me; why should I burn my fingers", is the mentality of the people in such matters. Here again, Sir, no reflection is meant on individual Government servants, contractors, etc. The evil is in the system and there is no getting over it so long as unredeemed human nature is what it is. But all the same, it does mean a failure of the scheme of beggar-relief, in as much as Government funds, *i.e.*, people's money, spent on it fails to bring about any proportionate relief to the intended beneficiaries. The speech made some months ago by the Diwan of Travancore in their Legislature on the industrial and economic policy of the Travancore Government should be a clear eye-opener and timely warning to those of us who are prepared to take a dispassionate view in these matters.

Another strong reason against the direct Government action in such projects as beggar-relief, is to be found in their moral implications. The beggars need, not only material but also moral relief; not merely bodily succour, but also spiritual food; and any one who has some idea of the extreme depth of moral degredation to which many, nay most of these unfortunate vagrants have sunk, will even look upon the moral aspect of the problem as of greater importance and urgency than the material, though the latter, too, I admit, is very vital indeed. Now, in countries where there is religious unity or atleast a homogenity of moral culture, it may be just possible for the Government to maintain in their poor homes a uniform moral atmosphere based on a common religion or culture. But circumstanced as we are in this part of the world,with diverse religions and cultures,and even conflicting moral codes, the most we can except of a Government in their direct management of the relief institutions is to maintain a policy of benevolent religious and moral neutrality, which when administered by their subordinate officers on the spot, would easily degenerate into a policy of indifference or even irreligiousness. The baneful consequences of such a state of affairs in a poor house can easily be guessed. It may be contended that under direct Government management, ministers of different religions may be given access to the Relief Settlements and Work-houses to attend to the spiritual needs of their respective flocks. But this patronising concession from the Government to the cause of religion and morality would be but a sorry substitute for the active and anxious solicitude of a private agency for the spiritual and moral welfare of their wards; and it would, in the face of a general attitude of indifference and even of subdued scorn on the part of the local official staff, produce on the unhappy inmates but little impression on the importance of religion and morals in every day life.

Lastly, if Government were directly to manage poor-relief, they being the supereme authority in the land, there would be none else to check and control them or to offer any effective criticism. The so-called public opinion, expressing itself in the Press and from the Platform, would generally prove a cry in the wilderness. All Governments are as a rule very touchy in the matter of criticism, and there is a general tendency in them to stand by their officers through thick and thin, whether right or wrong. But if the management is by subsidised private agencies, then there would be the Government to check and control them vigorously and call them to the

LIBRARY ARCHIVES Kerala Legislative Assembly

right path if ever they strayed away from it. Thus there would be the advantage of two agencies, one to work the Scheme directly and the other to watch, guide and control; wihch would surely produce better results than if there were only one single agency in the field.

The House rose for lunch at 1-30 p. m. and re-assembled at 2-30 p. m. with the Deputy President in the chair

The history of the evolution of poor relief in England, which the Committee characterise as very interesting and instructive, would itself bear eloquent testimony to the limitations and defects of direct State action in this particular field. This testimony is all the more significant in view of the mistaken ideas many of us have about the "epoch-making" Elizabethan Poor Law of 1601. I shall confine myself to quoting a few passages from the Committee Report, which are themselves extracts from the Mysore Report.

The Poor Law of 1601 was duly brought into force and work-houses were built on a large scale and at great cost. But what was the result? The Committee gives the answer: "The way in which the system was worked made the work-house a den....the inmates were made to do dull dreary work and there was nothing in that stuffy atmosphere to cheer up the inmate or instil hope in him. The work-house presented a sad spectacle of human degradation". After a few more experiments which, however, brought no better results, the whole work-house system was abolished and replaced by the so-called "Allowance System". Again, what was the result? Again, the Committee answers: "The administration of poor relief became very lax....The poor rate increased and the expenditure rose abnormally..pauperism increased and in addition to this the labouring classes became pauperised and the labour market crippled....In short, the situation became so bad that society well nigh reached breaking point". Then came the slogan that "Poverty demands Scientific treatment", and reforms were introduced accordingly. But again with what result? Again the Committee answers: "Thus after the Act of 1834 Poor Relief in England became a *slow, laborious* and *costly* process". No nation has greater burdens to bear from pauperism" than England. And now at last the private agency had to step in and fill up the gaps. Says the Committee: "The defects of the Poor Law system are being rectified in England by such societies as the Charity Organisation Societies and the Social Settlements which are worked on scientific and humanitarian principles". And these institutions, let us remember, owe their origin to private zeal and private initiative.

Such then is the picture of Poor Relief in England as administered under *direct Government management*. Alongside of that, let us place another picture, that of Poor Relief in England as administered by the great monasteries of the Middle Ages. And what a striking contrast they present! With diligent care and loving tenderness these religious houses attended to every aspect of poor relief, giving supreme satisfaction and causing complete contentment all round. And in fact, as long as these monasteries were allowed to function, *e.i.*, till they were all cruelly and thoughtlessly supressed by Henry VIII and his avaricious minions, the question of poor relief never confronted the people of England as a *problem* at all.

Perhaps all this may be put down as ancient history; but ancient or modern, the moral is the same; and that moral is that in the field of humanitarian work private agency is any way more effective and more acceptable than direct Government agency. Let us, however, come to modern times and look at the magnitude of the relief work done by private agency both at home in our own State and abroad. Look at the Institute of Cotelonge in the Italian city of Turin, where 12,000 destitutes of all sorts are lodged and fed every day. Don Bosco's Institute all over the world take in thousands of depraved young folk—potential beggars and bandits—and transform them into useful and self-respecting members of society. The Salesian work-houses are a model of intelligent philanthrophy. The Vincent de Pauls Societies have become a house-hold word for organised private charity; and in addition to the admirable house-to-house relief campaign that they conduct, they also harbour in their orphanages thousands of little orphans whom they teach some useful trade or other and send back into the world as self-supporting citizens. The Association of Holy Childhood conducts nearly 1,600 Orphanages scattered in different parts of the world. The Little Sisters of the Poor Maintain 30,000 decrepit old men, giving them both bodily and spiritual comfort and consolation. Again, who has not heard of Father Damien who for 16 years of his life ministered heroically to the lepers of the Island of Molocco, and at last died a leper himself? There were at times as many as 1,000 lepers in his asylum. Nearer home at Mangalore, there is Fr Muller's Leper Hospital, harbouring more than 400 inmates. According to the figures for 1932, the Catholic humanitarian institutions alone all over the world, exclusive of 15,700 Hospitals, came to 1,34,000; and their number today must be much greater still. And then there are the institutions conducted by the numerous other Christian denominations—the Salvation Army, the Nagel Mission, the C.M.S. etc. Many are also the institutions of charity and social uplift conducted by the Hindus and Muslims in different parts of India

LIBRARY ARCHIVES Kerala Legislative Assembly

I am sorry, Sir, for want of time I have not been able to collect any detailed statistics about them. All the same, I can assure you that their number must be very large. What a stupendous record this, of private humanitarian charity, compared to what Governments have done in this direction.

At home in our own State, too, we are not lacking in instances to show the striking contrast between Government management and private management in the field of humanitarian work. Those of us who could still remember how the State Leper Asylum at Venduruthi was faring under direct Government management, or who know something of the actual working of the Government Poor House at Ernakulam, would need no further arguments on this point. And now, look at the record private agency in the State can show in respect of such work. The Committee gives us a list of 45 Poor Relief Institutions working in the State, wherein all Castes and Creeds are represented. And I know there are still more of similar institutions to be added to that List. As it is, the list reads as follows:—(pages 43 and 44 of the Committee Report). (List of Institutions appended).

The Hon'ble Minister, the Diwan Peishkar and the Diwan himself have visited several of these Institutions and have been deeply impressed by the magnitude and magnificence of the humanitarian work turned out by them.

Now, Sir, would it not be wise statesmanship to get our Poor relief Work done most efficiently and economically through these private philanthropic bodies? Would it not be a great folly to ignore their existence and discard their co-operation in such a vast and varied field of work as beggar-relief? Were they not in the field of social service long, long before Government or this Hon'ble House ever thought of doing anything in this direction? And have they not made tremendous sacrifices towards this cause? Would it not, therefore, be unfair and even unjust to these Institutions and to the hundreds of their destitute wards, to refuse to them Government encouragement and aid, especially when the funds for beggar-relief are collected from the public by means of a *compulsory cess*?

Sir, on the strength of the reasons and the facts and figures I have now placed before this House, I hold that properly constituted and competent private agencies, *viz.*, religious bodies of humanitariam societies or other similar well-regulated institutions, if liberally subsidised and judiciously controlled be Government, would form the best machinery for administering beggar-relief in the State. Before I conclude, I wish to add a word on the broad features of a scheme by which that machinery may be organised for effective relief work. To begin with, the whole State may, for the purpose of beggar-relief, be divided into a few definite areas; and in each area if competent private bodies come forward, the work may be entrusted to them. In localities where such bodies do not at present exist, Government should encourage their formation. Only if such attempts do fail, should Government undertake to run a Relief Settlement under their direct management. Into the details of the agreement between the Government and such private agencies as would take up the work of the beggar relief and the extent of aid to be given them, I do not propose to enter at present; these have to be threshed out by discussion in a Committee composed of representatives of the Government, the public, and of the private agencies themselves, at least of such private agencies as are now in the field. The allocation of beggars to the various relief institutions may be done by Government and Receiving Centres for that purpose may be organised, as provided in the Bill. I would only add that as far as possible the beggars of each Relief Area should be given the option to join any one of the relief institutions in that Area. This would not only provide an automatic solution for the vexations difficulties arising out of questions of caste and creed, but would also ensure the growth of a healthy spirit of emulation among the several relief institutions within each Relief Area. Moreover, such an arrangement would bring in more funds from private sources for the successful working of beggar-relief in the State, in as much as it would stimulate the enthusiasm and generosity of the different sections of the public in favour of their suffering brethren. Also Labour Bureaus may be organised by Government to direct the able-bodied vagrants to places where they could find a demand for their labour; while schools should be started either by the private agencies themselves or, in their default, by Government, for giving suitable education to the children of the paupers lodged in each Relief Area. A Vagrancy Officer may be appointed as provided in the Bill, to control and supervise the whole scheme; and Central and Local Committees constituted to secure the co-operation of the general public.

LIBRARY ARCHIVES Kerala Legislative Assembly

Sir, I have explained my reasons for opposing the Bill even at this stage and I have submitted in broad outlines a Scheme to replace the centralised and direct Government management of beggar-relief, that is provided in the Bill. Believe me, Sir, I am not opposing the Bill in any irresponsible spirit of wanton criticism. I am strongly convinced that the Bill, unless it is fundamentally modified, will not only fail to produce any substantial benefit, but will also be productive of much positive evil. Hon'ble Members who may not agree with me now, will, I am sure, realise the unpleasant truth in the long run, even as the public of England have realised it at their cost. My duty, however is plain, and I would, therefore, respectfully suggest to this Hon'ble House that the Bill be referred back to the Government with a direction to re-draft it, restricting *direct Government management* of beggar relief to cases and places where competent and dependable private agency could not be found to undertake this humanitarian work, and providing for adequate Government encouragement and aid to, and judicious supervision and control over, such agency wherever it is forth-coming. I am fully aware, Sir, of the urgency of the matter and of the immediate necessity of placing a Vagrancy Act on the Statute Book of Cochin. But at the same time, I feel it would be unwise and unprofitable to make a bad beginning in a hurry and then get worried later on over the resulting complications. Raw haste is but half-sister to delay. Hence my suggestion to refer back the Bill to Government. There are precedents, Sir, in this House for such a procedure.

If, however, this suggestion would fail to find acceptance in this House and the House would decide to proceed with the Bill and refer it to a Select Committee, then I would request that Committee to give the Bill the benefit of a very close and careful revision and substantial modification in such manner and measure as would make it a throughly efficient and widely acceptable instrument of beggar-relief in our State.

APPENDIX

List of private, charitable or humanitarian Institutions in the State, that are helping the beggars

1.	Devji Bhimji Trust,	..	Mattancheri.
2.	Sri Venketesa Seva Samithi	..	,,
3.	Sri Purushotham Gala Anathasala	..	,,
4.	Muslim Anatha Samrakshana Sangham	..	,,
5.	Seva Sangham	..	,,
6.	Grama Seva Samgham, Nazareth	..	,,
7.	,, ,, ,, Cheriakadavu,	..	,,
8.	Vincent De Paul's Society	..	Ernakulam
9.	,, ,, ,, ,,	..	Trichur.
10.	House of Providence,	..	Ernakulam.
11.	St. Anne's Convent, Trichur.		
12.	Sri Ramakrishna Mission, Vilangans.		
13.	Orphanage, Irinjalakkuda.		
14.	,, Koorkancheri.		
15.	,, Mookkanoor.		
16.	Trichur Womens Club.		
17.	Seva Sadanam, Trichur.		
18.	St. Joseph's Latin Convent, Trichur.		
19.	S. R. V. Poor House, Ernakulam.		
20.	Poor House, Kunnamkulam.		
21.	Widows Home, Chiralayam, Kunnamkulam.		
22.	Chakkunni Memorial Poor House, Kunnamkulam.		
23.	Tharu Memorial Poor House, do.		
24.	St. Anne's Orphanage for girls and for boys of tender age, West Fort, Trichur.		
25.	St. Mary's Orphanage (for boys only), Tope, Trichur.		
26.	St. Clare's Orphanage for Girls, Karuvannoor.		
27.	St. Antoney's Orphanage, Puliyilakunnu, Vynthala.		
28.	St. Xaxier's Orphanage for boys, Kodakara.		
29.	St. Anne's Home for the Aged (for men and women), West Fort, Trichur.		
30.	St. Joseph's Home for the Aged (for women only), Vynthala.		
31.	St. Anne's Institute, West Fort, Trichur.		
32.	St. Antony's Sanketam, Pariyaram.		

LIBRARY ARCHIVES Kerala Legislative Assembly

33. St. Joseph's Home for the Aged, Aampalakkad.
34. St. Joseph's Orphanage, Kuzhikkattucheri.
35. Holy Family Orphanage, Chiralayam, Kunnamkulam.
36. St. Clare's Orphanage, Karuvannoor.
37. St. Mary's Orphanage, Chowannur, Kunnamkulam.
38. Convent of our Lady, Palluruthi.
39. St. Elizabeth's Convent, Kattipparambu.
40. St. Antony's Poor Home, Ampazhakkad.
41. Poor House, Thevara
42. "Beershba" House for the Destitute, Nellikunnu, Trichur.
43. St. Tereasa's Orphanage, Ernakulam.
44. Zenana Mission, Trichur.
45. Nagal Mission, Trichur

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, I support the Bill generally and welcome it as a very salutary measure and the result of the teaching of my Master, the great Jesus Christ. I may say the Church in Cochin, the followers of Jesus Christ in Cochin, whatever be their denominations, have done something but have only touched the fringe of it. I do not say that there are no humanitarian institutions managed by Christians of different denominations. In that case also it depends upon the personality of the person working it. I have come in contact with the Vincent De Paul Society at Kattur of which the Chief moving spirit is the Hon'ble Member for Irinjalakkuda. It depends upon the personnel of such Institutions whether it is under Government or Church Management. Years before a Hospital was founded at Kunnamkulam and some of our Ancesters gave endowment to a poor house and entrusted it with local Jacobite Church. The income will be something like 600 paras of paddy. For the last 50 years there is a building there. There may be such endowments granted by Hindus, Muslims and others. All such endowments are practically misused. The Bill must be sufficiently comprehensive to get hold of these endowments for the use of the general public. On that ground it is that I support this Bill. The Hon'ble Member for Adur said that the Bill should be referred back to the Government for which I cannot agree. The Committee has adopted a certain provision for meeting sufficiently the arguments of the Hon'ble Member for Adur. That has been deleted from his speech. Private agencies may be encouraged according to the principles based on the report of the special committee appointed for this. The Christians as a class should not think that service of the poor is only thir monopoly or they should neither think that if they only do the thing it will be managed properly. On the other hand they must find sufficient broadness of heart to co-operate with the Government or with Public Institutions of all classes and creeds together in working out such a big scheme. We should not leave it entirely to the Government nor to any particular community but every community should co-operate. The saying of Christ in such a thing is so very liberal. He says that the service of such poor people, feeding of the hungry is the critrion with which at his second coming the would decide as to who should be given heaven and as to who should be given hell. He never said "he who believes in my religion only can be sent to heaven". He never said that he who believed in the so-called church that he founded only was privileged to do sacrifice. Any man can do sacrifice. Whoever does it, Hindu, Muslim, Christian or Jew, he does it in the name of Christ and Christians ought to rejoice in the liberty they have been given in supporting this Beggar Relief Act. If there are any important changes to be brought about that may be made in the Select Committee stage; and there is no necessity to refer it back to the Government and delay such most salutary measure which the people of Cochin ought to have taken up years before with the great population of Christians and Christian influence for the last 2,000 years: So I welcome this Bill and support the measure and request the Government, as the mover has himself said, to refer this Bill to a Select Committee. At that stage all these things can be taken up and be made most useful as it ought to be.

Mr. A. V. Moothedan *(Chalakkudi):* I have very great pleasure to support the general principles underlying this Bill. Now I am particularly glad that there has been a change in the policy of the Government. Hitherto when one Diwan initiates a Scheme successive Diwans will drop it. We have got several illustrations. This Beggar Relief Work was started by Mr. Dixon and I am very glad that the Present Diwan has continued that policy and take action on the Committee Report and brought a Bill.

Regarding this legislation I should submit to the House that this legislation is a land-mark in the history of social legislation not only in Cochin State but throughout in India. Though

LIBRARY ARCHIVES Kerala Legislative Assembly

we have got Vagrancy Act in Bengal and other places there they are concerned with the prevention of beggary; but here the major part of the Bill is relating to the relief to be given. In that respect it is a very great departure from the existing practice. Till now, Sir, the poor people were depending upon the charity of the rich people. Now this Bill is a change from that. Now a poor man can go to the Vagrancy Officer and say "I want relief". At once he will be sent to a Magistrate and when the formalities are gone through he will be sent to a Relief Centre. That will be a great relief to the poor. There is provision in this Bill for taxation and these poor people are depending upon State Revenues. Therefore he has got a right and I am very much pleased with the provisions of this Bill. It is a very necessary measure and I think in this we will be leading all the legislations in native States or in British India.

Now coming to the Bill I must say though I support the main provisions of the Bill there are several changes to be introduced. One or two suggestions I would make is with regard to the name of the Bill. The name as at present is The Cochin Vagrancy Bill. I would suggest it to be changed to the Cochin Vagrancy Relief Act. Most of the provisions of the Bill relates to the relief of vagrants, and therefore the more proper title will be Vagrency Relief Act.

The second point is regarding the relief work to be done by non-official agencies. There is some strength in the argument advanced by the Hon'ble Member for Adur that private agencies wherever they are available should be encouraged to take up this work. But I am not prepared to go to the very extent that my Hon'ble Member is going. I would say that private agencies should be given proper encouragement. Now that there is no provision in the Bill for that, the Hon'ble Member for Adur says, we should refer it back to the Government. I do not support it. We shall try to correct that policy but we shall try to incorporate such provisions in the Bill at the Select Committee stage. But to refer it back to the Government will be causing a lot of delay as the Hon'ble Member for Kunnamkulam said. This is a very urgent problem and we should not lose time. Therefore, my humble submission to the Government is that non-official or charitable or philanthropic institutions wherever they are available should be given every opportunity to co-operate with the Government and carry out this work. In efficiency and in the matter of economy the Government will only be the gainer. I would only request the Government to look to the Leper Hospital at Adur managed by the Salvation Army. I have visited that hospital and I am very much surprised and impressed with their enthusiasm and their love. People who do this work for 20 or 25 years invariably get this disease. They are even sacrificing their lives for the good of these lepers. Such sort of people should take up this work and then only it will work properly.

Sir, there are several provisions in the Bill which ought to be changed. Now, Sir, the scheme of the Act is when a vagrant goes to the Magistrate or some other people who are given power to arrest the poor then he is sent to the receiving centres and from there he is sent to some permanent relief settlement. Then there is a taxation proposal. Now regarding the provisions for arrest it is stated. "Any Police Officer, any Sanitary Inspector, Scout Master, Excise Officer, or any officer authorised by Government in this behalf, may arrest any person who is apparently a vagrant and produce him before the Magistrate having jurisdiction over the area in which the offence is committed". Now I do not understand who is a Scout-master. Scout-master is not defined anywhere in the definitions. I looked up in the Oxford Dictionary to know who is a Scout and who is a master and the definition of Scout is given there. "Scout is the man sent out to get information about men or surroundings". That is the meaning given in the Oxford Dictionary. In that sence therefore I may also be a Scout. Hence there should be a definition and I think a Scout also need not be given this power. In my opinion only officers of the Police Department, Public Health Department, Excise Department and Medical Department need be given this power, instead of the Scout-masters. Officers of the Medical Department may be included because in the course of their official duties, medical officers, may come in contact with all these poor patients and they will be able to point out whether he is a fit person to be sent to the Relief centre, and at once he can send him to the Magistrate. Therefore instead of Scout-masters I would suggest Officers of the Police Department, Public Health Department, Excise Department and the Medical Department. These officers may be given power to arrest a person if he is found to be a vagrant. That is my first suggestion.

Then there is another section. "A vagrant may present himself at a receiving centre and apply orally or in writing to the Officer-in-charge for the relief provided under this Act. The Officer-in-charge shall thereupon hold such enquiry as he deems fit,

LIBRARY ARCHIVES Kerala Legislative Assembly

and on being satisfied that the applicant is a vagrant, produced him before a Magistrate." Here there are two provisions if a person is found begging in the street. He can be arrested by these officers or a person can on his own initiative go to an officer in charge of a receiving centre and state that he is a vagrant. Now here a vagrant may present himself at the receiving centre. That I should think requires very drastic amendments. The definition of the word Vagrant as given in this Bill is "Vagrant means any person who obtains or is in the habit of obtaining his livelihood by soliciting alms, impliedly or explicitly, in any public place or a place to which the public resort.....". A person to be a vagrant he should commit this offence of begging alms. Now before he could get relief under this Act he must commit this Offence. Therefore the definition of the term vagrant should be changed to the effect "a person who has no means of livelihood and so on". Otherwise this is absured, you are asking a man to commit an offence. Suppose a man is poor and he has no means and he wants to get the benifits under this Bill. Therefore to come under the definition of vagrant he has to commit the offence of begging and then only he could go to the officer for charity. If a man is poor he should be enabled to appear before a Vagrancy Officer in charge of a Relief Centre. Therefore that section should be modified. In the Insolvency Act, Sir, a person can himself make an application and a creditor can make an application to declare an insolvent. Similarly he can be arrested and he can himself make an application. So this will be better in that form. That is my second suggestion.

Then there is a proposal for having a Central Committee. I would suggest that the Vagrancy Officer will be a Member of the Central Committee and he should be the Ex-Officio Secretary of the Committee. For the proper working of the committee the Vagrancy Officer should be the Ex-Officio Secretary of this oommittee and that should be provided in the statute to give him authority. That is another suggestion.

Then, Sir, in drafting this Bill a lot of administrative details are given here. I do not think it is necessary to give all these details here. For instance I shall give one illustration. "A Magistrate recording a declaration under sub-section (1) that a person is a vagrant shall forthwith send a copy of such declaration to the Vagrancy Officer and to the officer in charge of the Receiving Centre to which such vagrant is sent under sub-section (1) of section 10." Why should there by a provision like that in the Act. It is an administrative detail. The Government can frame the necessary rules for the working of the Act. Why should a Statutory Provision be made with regard to these administrative details, I don't know. Like that there are ever so many things. "When a person has been declared to be a vagrant under sub-section (1) of section 9, he shall forthwith be sent to the nearest receiving centre and there handed over to the custody of the Officer-in-Charge of such receiving centre and such vagrant shall be detained in such receiving centre until he is sent therefrom to a relief settlement under sub-section (i) of section 11." "Nearest Receiving Centre". Suppose there are two receiving centres at equal distances. What will you do? Like that there are ever so many details which I do not want to repeat and waste the time of the House.

Then there is section 18. "The Manager of a relief settlement shall use his best endovours to obtain outside the relief settlement suitable employment for vagrant detained therein". What is this? What is the meaning of the section. It is stated that the Manager of the Relief Settlement should make all efforts to get employment for the inmates. Why is a Statutory provision necessary for that? The Vagrancy Officer is appointed for this purpose. The Government can ask him to do the work, and no legislative enactment is necessary for that purpose. That is the duty of every officer of Government. Suppose that section is not there. What will be the result? Cannot the Government compel the Vagrancy Officer to do all that he can to find out employment for the inmates?

Then there is section 20. "For the purpose of this Act, there shall be levied and collected from a person every year a vagrancy cess". Why a 'person'? Are you going to collect cess from an animal? (laughter) What is the meaning of all this? The wording ought to have been like this: "Vagrancy Cess shall be levied and collected by the Government according to the following rates". Something like that. You put in the third person. Why should you say person, animal or beast? We must know who is going to collect. So the wording ought to have been "for the purpose of this Act a Vagrancy Cess shall be levied and collected by the Government according to the following rates". It should have been in that form.

Then there is section 22 which I think is very hard. I do not think it is necessary. Section 22 says: "Whoever employes or causes any person to ask for alms or abets the employment or the

LIBRARY ARCHIVES Kerala Legislative Assembly

causing of a person to ask for alms, or whoever having the custody, charge or care of a child connives at or encourages the employment or the causing of a child to ask for alms shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extent to two years or with fine or with both." Is it after all such a great offence? Suppose accidently or inadvertently allowed a man to beg. Is it such a great offence that he may be sent to hard life in the jail for two years? Why should such a penal provision here? A person if he is going to beg let him be taken before a Magistrate. Why a man who sent him to beg, caused him to beg or abets him to beg should be sent to jail for two years. I don't understand. It is as if he has committed a murder. I, there, don't want that section there. "Whoever emyloyes or causes any person to ask for alms or abets the employment or the causing of a person asking for alms, or whoever having the custody, charge or care of a child, connives at or encourages the employment of the causing of a child to ask for alms". What is this? This is full of ambiguity. Suppose a man was rich and all his properties were sold in court auction. Therefore naturally he has to beg. Will the decree-holder who "caused him to beg" be prosecuted? (Laughter) because the begging follows closely from the sale of his properties. As per the provisions of this Bill I don't know whether such an ingenious interpretation is possible. Therefore on the whole that section need not be there, and our Act won't be affected any way by the deletion of that section.

Then what does section 26 say? "Every person imprisoned under the provisions of sub-section (iii) of section 16, sub-section 2 of section 19, section 23, section 24, or section 25 shall at the end of his term of imprisonment be brought under police custody before the Magistrate who shall forthwith deal with such persons in the manner laid down in section 9, 10 and 11 as if such person had been brought before such Magistrate under the provisions of section 8". Why should that police custody be there? I don't understand. Even if it is not there, the Government can take the necessary steps. These are unnecessary details which should be omitted from the Act. If the man is dangerous the Government can see that he is brought under police custody. Why is it stated here?

Then there may be lepers amongst these vagrants. What is the proposal of the Government with regard to them? Are they going to be sent to a common relief settlement with the other beggars or will there be separate assylum? There is already an assylum for them. Under the provisions of this Bill the Government have to send these people to an assylum under the Government Management. The present assylum is under the management of the Salvation Army. Therefore the manager will not be a manager under this Act and hence to give effect to the provisions of this Bill the Government will have to start another assylum for lepers. Otherwise the Covernment will have to send lepers to the common settlement. That is very dangerous. I, therefore, say that there should be provision for recognising private agencies or the Government will have to start a seperate settlement for the lepers which under the existing circumstances is costly and impracticable and not available also. I would also in conclusion say, however fine the enactment may be if it is to succeed all depends upon the personel of the Vagrancy Officer-in-charge and the manager. These people should have that love for work and not the love for money. They should work for the amelioration of the poor suffering people. Only such people who have got that aptitude of mind to do such work should be appointed. Whoever may recommand the Government should resist all these temptations and appoint persons who love this work as a work of charity and not for their salary alone. Otherwise this will be a terrible failure like the Hill Paddy Scheme. With these words I would commend the motion to the acceptance of the House. Provisions may also be made for private charitable institutions to to be recognised as settlements.

Mr. George Panikulam *(Irinjalakkuda):* Sir, Cannot all these changes be effected without referring it back to the Government? I think all these changes can be effected by referring the Bill to a Select Committee. There is no necessity to refer it back to the Government. It may be sent to the Select Committee and all these changes can then be effected. The provision regarding private agency has been omitted in the Bill. There are other changes also to be effected with regard to the drafting of the Bill. All these things have to be gone into in the light of the detailed remarks that we have heard by the various speakers.

Mr. N. Govinda Pai *(Nominated):* Sir, I have very great pleasure in welcoming this Bill. But I do not feel that it is very complete or satisfactory in itself. So I would like to make a few remarks about the difficulties that I feel in working as it stands now. In the introductory speech made by the Hon'ble Joint Secretary he mentioned that an item which is collected by the merchants called Dharmav would totally go over to this cess. I think that he has presupposed that this item which is collected by the merchants for doing good to the people

LIBRARY ARCHIVES Kerala Legislative Assembly

at large is appropriated by them wholly for their own purpose without spending it usefully according to the intention with which it is collected. But I might inform him that although he might have come across a few of such instances, many of the merchants find that after spending this amount in the right lines, they have to spend something more from their own pockets to see that the intentions with which this is collected are satisfied. As far as myself and some of my friends whom I know very well are concerned I find that this item is spent for helping the poor to satisfy some of their religious needs such, as Upanayanam, marriages, to help them at the time of cremations when people are so poor that they cannot find the means for it, for helping people who are in the hospital and cannot find the wherewithal to give them food or medicines and so on. If a man has really an intention to spend this item called Dharmav in the right channel the reality is that he finds that the collection is not adequate for the purpose. Now if the Government is going to appropriate the whole of it for using it to supplement the poor cess I do not think it will be advisable. I am not one who believes that a merchant if he misappropriates this fund and uses it for his own purposes should be left scot free. What I suggest is that the Government should find out some means to discriminate among these persons who go on right lines and the others and see what is fair is done.

Another point that I would like to bring before this House is that the Government who is by this Bill going directly to run these poor houses should see that the religious sentiments of certain communities are not violated. (Hear, hear). Although my community was at a time very rich now in course of time there are many poor people in it and to support them we are running our own orphanages poor houses and institutions of that sort. If the Government is going to collect everything possible from the people and to put into the common pool of poor cess and leaving these institutions for themselves without any help I think it will be a great hardship that is worked. Of course, with regard to the common mess my people would rather like to starve than see that their religious feelings are violated because people think that they will be outcasted if they take part in the common mess. So I would suggest to the Government that they find out a mean for rectifying this hardship also.

Then there is another thing which I would like to place before the Government and many of the Hon'ble Members here. That is, there exists a true kind of Saniasins who are enjoined by Sastras to beg for their food and live upon it. Materially it would appear that they are not doing any good to the public at large. But we believe that they are by their mediation and other works contributing to the welfare of the people more than what the material people do. I do not think that their numbers should be curtailed by enactment. It is only for placing these three points before this House that I have risen up and with the fervent hope that these difficultjes will be rectified by the Select Committee I resume my seat.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: സർ, വളരെ കാലമായി മുറവിളികൂട്ടിക്കൊണ്ടിരുന്ന ഭിക്ഷക്കാരുടെ സങ്കടത്തിനു ഇപ്പോഴെങ്കിലും ഒരു പരിഹാരമായിട്ട് ഈ ബിൽ ഇവിടെ കൊണ്ടുവന്ന ഗവൺമെണ്ടിനെ ഞാൻ ഈയവസരത്തിൽ അനുമോദിക്കുന്നു. പക്ഷെ, ഈ ബിൽകൊണ്ട് ഇപ്പോൾ പ്രധാനമായിട്ട് ഉദ്ദേശിച്ചിരിക്കുന്നതു തൃശ്ശിവപേരൂർ, മട്ടാഞ്ചേരി, എറണാകുളം എന്നീ സ്ഥലങ്ങളിൽ മാത്രമാണ്.

മിസ്റ്റർ എം. ശിവരാമമേനോൻ: ബിൽ അങ്ങിനെയല്ല.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: ഇതു ഭിക്ഷക്കാരെ രക്ഷിക്കുവാൻവേണ്ടിയുള്ള ഒരു ബില്ലാണെന്നുണ്ടെങ്കിൽ യഥാർത്ഥത്തിൽ പറയുകയാണെന്നുണ്ടെങ്കിൽ ഞാൻ ആദ്യം പറഞ്ഞ മൂന്നു പട്ടണങ്ങളിലെ ധനവാന്മാർക്ക് ഭിക്ഷക്കാരെ പരിഹരിക്കുവാനുള്ള ഒരു ബിൽ മാത്രമായിട്ടെ ഞാൻ കണക്കാക്കുന്നുള്ളൂ.

ഏതായാലും, എന്തു ഉദ്ദേശത്തോടുകൂടിയതായാലും ഭിക്ഷക്കാർക്ക് ഒരു രക്ഷയുള്ള വഴിയായതുകൊണ്ട് ഞാൻ സന്തോഷിക്കുന്നു. എന്നാൽ ബില്ലിൽ ക്ലോസ്സ് 20-ൽ സെസ്സ് ചുമത്തുന്ന കാര്യത്തിൽ എനിക്ക് വലിയൊരു സംശയമുണ്ട്. ഫ 0 0-ക്ക് നു $\frac{1}{4}$ക. നികുതി ചുമത്തുമെന്നാണ് അതിൽ കാണുന്നതു. ഒരു വസ്തുവിനെപ്പറ്റി പറയുകയാണെങ്കിൽ ഒരു ഉറുപ്പിക നികുതികൊടുക്കുന്ന ഒരു ജന്മി ഒരു ഉറുപ്പികക്ക് ഒരു അണ കൊടുക്കണം. ഇതുപോലെതന്നെ കാണകടിയാന്മാരും കൊടുക്കണം. വെറുമ്പാട്ടകുടിയാന്മാർ നിലം പാട്ടത്തിനു വാങ്ങിച്ചു പണിയുന്നതിന്റെ ഉദ്ദേശം കൊയ്ത്തുസമയത്തു അവരുടെ വേലക്കൂലി, കൊയ്ത്തുകൂലി അതിന്റെ വയ്ക്കോൽ മുതലായവക ഒന്നിച്ചു കിട്ടുമല്ലോയെന്നുള്ള ഒരു ഉദ്ദേശം മാത്രമാണുള്ളതു. അവന്റെ പ്രയത്നകൂലി കിട്ടുമെന്നുള്ള ഒരു ആശ്വാസമല്ലാതെ അവനു

LIBRARY ARCHIVES Kerala Legislative Assembly

വേറെ അതിൽനിന്നു കായ്മായിട്ടൊന്നും കിട്ടാനില്ല. പിന്നെ ചിലപ്പോൾ കൃഷി നന്നായിവന്നാൽ വല്ലതും ഒരു മിച്ചം കിട്ടിയേക്കാം. അങ്ങിനെ കിട്ടിയാലും, ഇല്ലെങ്കിലും ഫ ൦ ൧-ക്ക് ന്യ¼ക. വെച്ച് ജന്മിയും, കാണകൂടിയാനും കൊടുക്കണം. ജന്മിയുടെ സ്ഥിതി പറയുകയാണെങ്കിൽ ഗസറിൽ എപ്പോഴും കാണാം. ഗസറിൽ കുറെ അധികം സ്ഥലം അതിനുവേണ്ടി വിട്ടുകൊടുക്കുന്നതു കാണാം. കോടശ്ശേരി കത്താക്കന്മാർ മുതലായിട്ടുള്ള ജന്മിമാരുടെ കായ്ങ്ങളാണ്. ഈമാതിരി അനവധി ജന്മിമാർ ഇവിടെയുണ്ട്. ഫൻഫർ-ൽ കാഷ്പികോല്ലന്നങ്ങൾക്ക് വില വല്പിച്ചകാലത്തു ആ വിലയുടെ തോതനുസരിച്ച് പലിശ കണക്കാക്കി പലരും വലിയ വിലക്കു വസ്തുക്കൾ വാങ്ങിക്കുകയുണ്ടായിട്ടുണ്ട്. പിന്നീട് യുദ്ധാനന്തരം ഉണ്ടായ സാമ്പത്തിക കുഴപ്പംകൊണ്ട് ആ വസ്തുവിൽനിന്നു കിട്ടുന്ന ആദായം കൊണ്ട് അതിലെ പ്രയത്നത്തിനുകൂടി കൊടുക്കുവാൻ സാധിക്കാതെ അനവധി ഭൂമി ഉടമസ്ഥന്മാരും കഷ്ടപ്പെടേണ്ടിവന്നിട്ടുണ്ട്. അതുപോലെ കാഷ്പികോല്ലന്നങ്ങൾക്കു വില വല്പിച്ചിരിക്കുന്ന ഈ കാലത്തു ഇപ്പോഴത്തെ തോതു കണക്കാക്കി കൊടുക്കുവാൻ സാധിക്കുമെന്നു വിചാരിച്ചു ഇങ്ങിനെ ഒരു നികുതി ചുമത്തുന്നതായാൽ യുദ്ധാനന്തരം ഉണ്ടാകാൻപോകുന്ന ഭയങ്കരമായ സാമ്പത്തിക കുഴപ്പത്തിൽ അകപ്പെട്ട് നമ്മുടെ നാട്ടിലുള്ള കഷ്കന്മാരും ഭൂമി ഉടമസ്ഥന്മാരും വിഷമിക്കേണ്ടിവരും. അങ്ങിനെയുള്ള ഒരു പരിതഃസ്ഥിതിയിൽ ജന്മികളെന്നോ, വെമ്പാട്ടുകുടിയാനെന്നോ ഭേദമില്ലാതെ ഗവമ്മെണ്ട് അവരുടെ പേരിൽ നടപടി നടത്തി വിഷമിപ്പിക്കുവാൻ ഇടവരും. ഈ വസ്തുക്കളുടെ നികുതിയിന്മേലാണ് ഇപ്പോൾ ഇവിടെ സെസ്സ് ചുമത്തികാണുന്നതു്. ഇപ്പോൾ പല സാധനങ്ങൾക്കും ഗവമ്മെണ്ടുതന്നെ മുൻമ്പിലത്തേക്കാൾ വില വല്പിപ്പിച്ചിട്ടുണ്ട്. ര്പൈ. ഉണ്ടായിരുന്ന ഒരു അഞ്ചൽ കാർഡിന്നു ഇപ്പോൾ ന്യപൈ. കൊടുക്കണം. ഇതുപോലെ പല സാധനങ്ങൾക്കും വില കൂടുതൽ കൊടുക്കേണ്ടിവന്നിട്ടുണ്ട്. അങ്ങിനെ ഓരോന്നിലും വില കൂടിക്കൂടി കുടിയാന്മാരുടെ തല ഉയർത്തുവാൻ പാടില്ലാതായിട്ടുണ്ട്. ഈ കായ്ത്തിൽ പ്രധാനമായിട്ട വസ്തുക്കളുടെ നികുതിയിന്മേൽ ഇത്രവലിയ ഒരു നികുതി ചുമത്താതെ, അതു് മാറിവെച്ചുകൊണ്ട്, സെയിൽസ്ടാക്സ് ചുമത്തുന്നതായിരിക്കും ഏറ്റവും നന്നായിരിക്കുക. അങ്ങിനെയാണെങ്കിൽ ഒരു ഉറപ്പുകിട്ടുക ഒരു പൈവീതം ചുമത്തുന്നതായാൽ ഇതിന്റെ ആവശ്യത്തിന്നുള്ള പണം കൂടുതലായിരിക്കും. നേരെമറിച്ചു ഈ സാധു കഷ്കരെ കഷ്ടപ്പെടുത്താതേയും സാധിക്കും. അതു് എല്ലാവക്കും ഒരു ഉറപ്പുകിട്ടുക ഒരു പൈ വീതമാണ് വരാൻപോകുന്നതു്. അതിൽ അധികം വലിയ വിഷമം ഉണ്ടായിരിക്കുന്നതല്ല. ഇതു് അങ്ങിനെയല്ല. വെമ്പാട്ടുകുടിയാന്മാരെ തകർത്തുകളയുവാൻ പറ്റുംപടിയായ ഒരു ക്ലോസ്സാണ്. അതുകൊണ്ടു് ഈ കായ്ത്തിൽ ഗവമ്മെണ്ടു് അനുഭാവത്തോടുകൂടി വീക്ഷിച്ചു്, സിലക്ട് കമ്മിറ്റിയിൽ ഈ കായ്ം പ്രത്യേകം ആലോചിച്ചു അതിന്നു വേണ്ടതായ ഒരു തീരുമാനം ചെയ്യണമെന്നുപേക്ഷിച്ചുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

Mr. T. P. Poulose *(Kanayannur):* I support this Bill. The committee deserves to be congratulated for their deep study and careful analysis of the problem of beggary and the bold scheme which they have placed before the Government. I say it is a bold scheme as it has boldly accepted the principle that it is the duty of the State to take care of the destitute and that it is proper to raise funds for that purpose by taxation. It has been said that such a conception has not taken practical shape in India though we find such measures in the western countries. We can say that this is one of the first measures of the type in India and as such it is a very bold scheme that the committee has brought forward. In this connection we may examine the suggestion made by the Hon'ble Member for Adur that it is not the duty of the Government to direct control of the institutions for giving relief to the beggars but their control should be left to private agencies. I congratulate the committee as they have abandoned this old conservative notion that it is the duty only of private agencies to help the poor and to manage institutions intended for giving relief to the old and the infirm and the unemployed poor. The question is when Government prohibit beggary by statute can they shirk the responsibility of providing for their livelihood. One thing is conceded. If this problem is to be effectively tackled beggary has to be stopped by legislation. If Government prohibit beggary by legislation can the Government justify their position if they shirk the responsibility of taking care of these beggars and leaving them to the charity of private agencies.

Mr. Joseph Petta *(Adur):*. I suggested that where private agencies could be found they should be entrusted with it. That was my position. So I would request the Hon'ble Member not to distort the argument which I never put forward.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. P. Poulose *(Kanayannur):* Once it is conceded that it is the primary responsibility of the Government to take care of the beggars there is no reason for opposing the principle of the Bill. In that case the question that has to be considered is what all modifications have to be made in the details of the Bill. These can be made by the Select Committee. If it is conceded that Government has the primary responsibility of taking care of these beggars, after prohibiting beggary, there is no reason to oppose this Bill and urge the position that this Bill has to be referred back to the Government, as he put it.

Sir, certain other members made the criticism that the provision in the Bill contained in the report of the Commttee to the effect that Government may give aid to private institutions affording relief to beggars, subject to such conditions and restrictions as may be prescribed by Government, has been deleted from the Bill introduced in this House. They stated that it was not correct on the part of the Government to have deleted that provision. I also agree with those Hon'ble Members. I do not think it will be possible on the part of the Government to tackle the problem effectively and economically if beggars are to be confined to Government institutions alone. So the duty of maintaining these beggars may be shared by private institutions where such institutions are available. If private institutions run by any agency whatsoever are able to work out the provisions of this Bill effectively it is the duty of the Government to help those institutions with aid. The provision contained in the report of the Committee to the effect that aid may be given to such institutions was a very salutary provision and I hope that the Select Commitee will find its way to incorporate a similar provision in the Bill.

I have only to say a word more about the financial proposals contained in the Bill. As has been pointed out by the Hon'ble Member, Mr. Panicker the cess imposed on the landowners in the way in which it is contained in the Bill cannot at all be justified. The cess will have to be paid first by the jenmi, then by the kanom tenant and if there are two or more verumpattomdars by them also. Each of them will have to pay a cess of one anna on every rupee of tax. On the average the cess will be not only one anna per rupee of tax but it will be sometimes four annas and even more. I would also respectfully submit to the House that the margin of profit enjoyed by certain verumpattamdars, when there are a number of sub-leases coming one after another, is so small that a cess can in no way be levied with any justification on any of them. It would be well to exonerate altogether the verumpattamdars' holding under ordinary landlords from the cess. I would even say that there is justification only to levy one cess whether it be on the landlord or the tenant for one rupee of tax. There is no need for any duplication. Duplication exists in the case of certain other assessments. In Municipalities persons are assessed by the Municipality for profession tax and by the Government for income-tax. Here also there is a duplication of cess. The house-tax is paid to the Municipality and though there is no corresponding tax paid to the Sirkar, it is a question that we have to consider whether there should be any levy of cess on House-tax. It is not clear, whether, if the Bill as it stands is passed, Government will not be in a position to open institutions in certain parts alone of the State as recommended by the committee and levy the cess from the whole State. There is absolutely no justification for applying the beneficial provisions of the Act to certain arreas alone and collecting cess from the entire State. All these are details which the Select Committee has to consider and I do not propose to take more of the time of the House in discussing these aspects, but I hope that all these suggestions will be considered by the Select Committee.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam):* I also rise to support this motion. I only want to refer to a few anomalies in the various sub-clauses which have not been referred to by my predecessors. For one thing, Sir, I have doubts about the propriety of levying any special cess for such beneficial methods under-taken by the Government. The abolition of beggary and vagrancy is an elementary duty of all civilised Governments. So, the additional expenditure caused thereby to meet the expenditure Government is justified in resorting to additional taxation calling that taxation vagrancy cess. There may come a time when Government may have to adopt compulsory primary education. They may have to impose an education cess. There may come a time when the Government may have to enforce measures, old age pension unemployment insurance, etc. Each time when a measure is adopted Government may have, on the analogy of this to impose a special cess. My quarrel is not with the policy of the Government. Government can impose additional taxation. They can increase the rate of income-tax. They can tax agricultural income and assess it on income-tax, excluding incomes below Rs. 600. I think it will be the better way of collecting funds for these. Another aspect which I would like to refer to is this. It is proposed to tax all agricultural income by an additional 6¼ per cent. Even the smallest agriculturist is not exempted. A man may be owning an

LIBRARY ARCHIVES Kerala Legislative Assembly

acre or half an acre or 2 acres, but he is not exempted. On the other hand a man who is not an agriculturist is exempted up to Rs. 600. That is something, Sir, which is not just. A man may own a cocoanut garden or he may be a merchant up to Rs. 600 he is exempted. Over and above that he is taxed. A man owning one acre is taxed. I think it will do well to give directions to the Select Committee to make necessary changes. That is if you mean to tax people subject them to additional taxation taxing all people uniformaly. This sort of taxing has no meaning. Taxation is not justified. I think the Select Committee which is constituted to go into the various details of this Bill will bear in mind my humble suggestions and I congratulate the Government for having taken courage with both hands to re-introduce such a salutory and beneficial piece of legislation.

Mr. K. T. Achyuthan *(Ezhuvas-Talappalli)*: I also spport the Bill. I need not restate here that this is a notable legislation at least now Government have realised that it is the duty of the Government not only to protect persons but to maintain those who cannot maintain for themselves. I think those beggars are a sort of parentless, homeless, and worthless people who are trotting on from place to place. When the Government have come to the reserve of this sort of poor people they have to be congratulated.

But as regards the Bill I have to say one or two words. Now in the Bill it is said that there must be a receiving centre and relief settlement, two separate establishments. I do not know whether one will serve the purpose. It may be considered whether one establishment divided into sections will do the business without having two establishments. But the main objection is with regard to cess. One point is that these so called beggars are the poorest and lowest of the human beings. They must be looked after by the richest. The cess must be from the richest not from the poorest class. In order to look after the poorest the richest must pay. Preference must be given in assessing the richest. The Income-tax and Super tax must be increased. Not only one anna, but something more than the other tax. It will be collected from every landlord and some difference must be shown to the outside public that the higher class of people are taxed primarily to look after the lower class of people. Any how it must be sent to Select Committee for careful scrutiny at their hands before enacting.

മിസ്റ്റർ ബി. എം. പീറർ: സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു. ഈ കായ്ത്തിൽ ഗവമ്മെണ്ടിനെ അഭിനന്ദിക്കുന്നതോടൊപ്പം ഈ ബഗ്ഗർ റിലീഫ് കമ്മിറ്റിമെമ്പർമാരേയും ഞാൻ അഭിനന്ദിക്കുന്നു. എനിക്ക് ഇതിനെപ്പറ്റി വിശേഷാൽ ഇവിടെ ഒന്നും പറയുവാനില്ലെങ്കിലും, ഈ സെസ്സിനെപ്പറ്റി രണ്ടു വാക്ക് പറഞ്ഞുകൊള്ളട്ടെ. ഈ സെസ്സിൽ "ധമ്മാവ്"' "ലാഖ" എന്നുള്ള സംഖ്യകൾ ഗവമ്മെണ്ടിലേക്ക് എടുക്കണമെന്നുവെച്ചിട്ടുള്ളതു തീച്ചയായും വേണ്ടതുതന്നെയാണെന്നാണ് എന്റെ അഭിപ്രായം. "ധമ്മാവ്"' "ലാഖ" എന്നു പറയുന്ന സംഖ്യ പൊതുജനങ്ങളിൽനിന്നും എല്ലാ വ്യവസായികളിൽനിന്നും കച്ചവടക്കാർ പിരിച്ചെടുക്കുന്ന തുകയാണ്. അതു് വിനിയോഗിക്കേണ്ടതു പൊതുജനങ്ങളുടെ ഉണത്തിനുവേണ്ടിമാത്രമാണ്. അല്ലാതെ കച്ചവടക്കാരുടേയൊ, വ്യവസായികളുടേയൊ സ്വന്തം ആവശ്യത്തിലേക്കു മാത്രം ഉപയോഗിക്കുന്നതു ശരിയല്ല. ഇതിനും പുറമെ എനിക്കു ശരിയായറിയാം നമ്മുടെ രാജ്യത്തുനിന്നു വലിയ ഒരു തുക ഈ ലാഖയെന്ന പേരിൽ അന്യരാജ്യത്തു കൊണ്ടുപോയി ചിലവാക്കുവാനിടവന്നിട്ടുണ്ടെന്നു്. അതുകൊണ്ടു് ഈയവസരത്തിൽ ഞാൻ ഗവമ്മെണ്ടിനെ ഓർമ്മിപ്പിക്കുന്നതു്, ഫ ഫ ഫൻ അവസാനത്തിൽ ഓരോ കച്ചവടക്കാരന്റേയും കണക്കിൽ ലാഖാ എമൌണ്ടായി കാണുന്ന തുക തീച്ചയായും ഇതിന്റെ ഇനീഷ്യൽ എക്സ്പെൻസിനു വേണ്ടി ഉപയോഗിക്കണമെന്നാണ്. ഈ സംഖ്യ പൊതുജനങ്ങളിൽനിന്നു പിരിച്ചെടുത്തിട്ടുള്ളതായതുകൊണ്ടു് ഈ സംഖ്യ പൊതുജനങ്ങൾക്കുവേണ്ടി ഉപയോഗിച്ചില്ലെങ്കിൽ അതു് പൊതുജനങ്ങളോടു് ചെയ്യുന്ന ഒരപരാധമായിരിക്കും. മറെറാരു സംഗതി പറയുവാനുള്ളതു് ഇതു് സ്വകായ്വ്യക്തിയെ എല്പിക്കണൊ, വേണ്ടയൊയെന്നുള്ളതിനെപ്പറ്റിയാണ്. സ്വകായ്വ്യക്തികളും ഇങ്ങിനെയുള്ള സ്ഥാപനങ്ങളും നടത്തുന്നതിനു പ്രാപ്തന്മാരാണെങ്കിൽ, ഈ കായ്ത്തിൽ ഗവമ്മെണ്ടിന്റെ ചിലവിനെ ചുരുക്കുവാൻ സാധിക്കുമെങ്കിൽ അതിനുവേണ്ടിമാത്രം സ്വകായ്വ്യക്തിയെ എല്പിക്കുക, അതല്ലാതെ ഏതെങ്കിലുമതത്തിലെ സ്ഥാപനങ്ങളുടേയൊ, മറെറാ നോക്കി ഈവക കായ്ങ്ങളും സ്വകായ്വ്യക്തികളെ എല്പിക്കുന്നതു് ശരിയല്ലെന്നാണ് എനിക്കു പറയുവാനുള്ളതു്.

ബഹുമാനപ്പെട്ട അഡ്മർമെമ്പർ പറഞ്ഞ പല ഭാഗങ്ങളോടു് ഞാൻ യോജിക്കുന്നുണ്ടെങ്കിലും എതാനും ചിലതിനോടു യോജിക്കുവാൻ എനിക്കു നിവൃത്തിയില്ല. ഇൻഡ്യയിൽ ഇ

LIBRARY ARCHIVES Kerala Legislative Assembly

ങ്ങിനെയുള്ള സ്ഥാപനങ്ങൾ പലതും ക്രസ്ത്യാനികൾ നടത്തുന്നുണ്ടെങ്കിലും, അവരുടെ പേരു കൾ മാരോന്നായി ഈ സഭ മുമ്പാകെ ധരിപ്പിക്കേണ്ടതില്ലായിരുന്നുവെന്ന പക്ഷക്കാ രനാണു ഞാൻ. പൊതുജനങ്ങൾക്കുവേണ്ടിയുള്ള ഈവക പ്രവൃത്തികൾ ക്രസ്ത്യാനികൾ നടത്തുന്നുണ്ടെന്നു ഒരു ക്രസ്ത്യാനിതന്നെ ഇവിടെ പറയേണ്ടതില്ലായിരുന്നു. ആയതുകൊണ്ട് സ്വകാര്യവ്യക്തികളെ ഏല്പിക്കുന്ന കാര്യം തീർച്ചയായും ഗവൺമെണ്ട് നല്ലവണ്ണം ആലോചിക്ക ണമെന്നും, അങ്ങിനെ ഏല്പിക്കുമ്പോൾ മറ്റാർക്കും അതിൽ കൈകാര്യം നടത്തുവാൻ ഇടവ രാത്തവിധത്തിലായിരിക്കുമെന്നും മാത്രമെ എനിക്കു പറയുവാനുള്ളൂ.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: സർ, ഞാൻ ഈ യാചകപ്രശ്നത്തോട് അ നുകൂലിക്കുന്നു. നികുതി ചുമത്തുന്ന കാര്യത്തെ സംബന്ധിച്ചു എനിക്കു ചിലതു പറയാനുണ്ട്. ഇന്നു ഭൂമിയുടമസ്ഥതയുള്ള ചില സ്ഥാപനങ്ങളുണ്ട്. അതിലെ വരവുകൊണ്ട് സ്വതേത ന്നെ ചിലവിനു മതിയാകാറില്ല. ചിലപ്പോൾ അവർക്കും യാചിച്ചുവേണം ജീവിക്കുവാൻ. അങ്ങിനെയുള്ളവരുംകൂടി ഈ നിയമമനുസരിച്ചു ഉറപ്പിക്കുക ഒരണ കൊടുക്കണമെന്നാണ് കാണുന്നതു്. ടെനൻസി ബില്ല് വന്നപ്പോൾ അതിലെ നേക്കാണത്തെ സംബന്ധിച്ചു ഇ വിടെ ആലോചിച്ചിട്ടുള്ളതാണ്. നികുതി കൊടുക്കാത്തവരുടെ പക്കൽനിന്നു കിട്ടേണ്ട നികുതി വസ്തുവിന്മേൽ സ്ഥാപിച്ചു് ഈടാക്കുകയാണെങ്കിൽ അതു നല്ലതാണു്. വസ്തു കൊ ണ്ടു ആകം, വസ്തു കണ്ടു ആകം, കേട്ടു ആകം, അതിൽക്കൂടി നടന്നുപോയ ആകം ഇവക്കൊക്കെ നികുതി ചുമത്തുകയാണെന്നുണ്ടെങ്കിൽ അതു് വളരെ ബുദ്ധിമുട്ടുള്ളതാണു്. അങ്ങിനെയാ ണെങ്കിൽ കൊച്ചീരാജ്യത്തു താമസിക്കുന്ന സകല ആളുകൾക്കും നികുതി ചുമത്തണം. അങ്ങി നെ ചെയ്യാതെ സൂത്രത്തിൽ ഉറപ്പിക്കുക ഒരണ ഭൂമിയുടസ്ഥന്മാർ കൊടുത്തുകൊള്ളണമെന്നു വെച്ചിട്ടുണ്ടു്. ഒരണയാകുമ്പോൾ അധികമില്ല എന്നുവിചാരിച്ചിട്ടായിരിക്കും അങ്ങിനെ ചേർത്തതു്. കണക്കാക്കിവരുമ്പോൾ പിന്നീട്ട ആ ഒരണ എട്ടണയാകും. ബഹുമാനപ്പെട്ട മുകുന്ദപുരം ഈഴവമെമ്പർ പറഞ്ഞതുപോലെ ചിലപ്പോൾ നികുതി കൊടുക്കുവാൻ സാധി ച്ചില്ലെന്നുവരും. ഇപ്പോഴത്തെ നെല്ലിന്റെ വിലയനുസരിച്ചു ഒരുപക്ഷെ കൊടുക്കുവാൻ സാധിച്ചാലും, അതേ തോതിൽ നെല്ലിനു് ഉണ.യായി വില കുറയുന്നകാലത്തു കൊടുക്കു വാൻ വിഷമമായിരിക്കും. അതുകൊണ്ടു് സെയിത്സ് ടാക്സിന്മേലൊ മറ്റൊ ചുരുങ്ങിയ നികുതി ചുമത്തുകയല്ലാതെ വസ്തുവിന്മേൽ സ്ഥാപിച്ചു നികുതി ചുമത്തുന്നതിനു അർത്ഥമില്ലെ ന്നാണു് എന്റെ അഭിപ്രായം. ഇതിലെ അപ്പണ്ടിക്സ് എം. എട്ടുത്തുനോക്കിയാൽ കണ ക്കിൽ പിശകു കാണാനുണ്ടു്. ഒരു പൂജ്യം കൂട്ടലാണു്. പൂജ്യത്തിനു വിലയില്ലല്ലൊ; ഇതിൽ ൧൦൦ ആംക്കു് ഒരു ലക്ഷത്തി ഇരുപതിനായിരം രൂപാ എന്നു കണക്കു കൊട ത്തിരിക്കുന്നു. എങ്ങിനെയെങ്കിലും ഗവൺമെണ്ടിനു് നികുതി ചുമത്തിയാൽ മതിയെന്നുണ്ടെ ങ്കിൽ വഴിയെ പോകുന്ന ആളുകൾക്കൊക്കെ നികുതിവെച്ചാൽ മതിയല്ലോ? ഈ വിധത്തിൽ നാട്ടുകാർക്കു് ബുദ്ധിമുട്ടിനിടവരുത്തിയാൽ അതു് ശരിയല്ല.

മിസ്റ്റർ സി. ജെ. മാത്യു: ലജിസ്ലേഷനൊക്കെ വരുമ്പോൾ ഈ നമ്പർ വളരെ കുറയും.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: ലജിസ്ലേഷൻകൊണ്ടു് ബാർ റിലീഫ് കിട്ട മെങ്കിൽ കുറച്ചുകൂടി ലജിസ്ലേഷൻ വരുത്തിയാൽ പിന്നെ ബുദ്ധിമുട്ടു ഈ രാജ്യത്തുണ്ടാക യില്ല. വയറു വിശക്കുമ്പോൾ ഇതൊന്നും ആരും നോക്കുകയില്ല സർ. ആരായാലും നിവൃ ത്തിയില്ലാതെവരുമ്പോൾ യാചിക്കാൻ പുറപ്പെടുകയേയുള്ളൂ. അതുകൊണ്ടു് ഈ ടാക്സേഷൻ എന്നുള്ളതു വളരെ കാര്യമായി ആലോചിച്ചേ ചെയ്യാവു് എന്നാണു് ഞാൻ പറയുന്നതു്.

മിസ്റ്റർ പി. നാരായണമേനോൻ: സർ, ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു. അതിൽ ഒന്നു രണ്ടു സംഗതികളെ കുറിച്ചുമാത്രമെ എനിക്കു പറയാനുള്ളൂ. വേഗറൻസി ബിൽ എന്നതിനുപകരം വേഗറൻസി റിലീഫ്ബിൽ എന്നാക്കിയാൽ കൊള്ളാമെന്നു ബഹു മാനപ്പെട്ട ചാലക്കുടി മെമ്പർ പറകയുണ്ടായി. ഞാൻ അതിനോടു തീരെ യോജിക്കുന്നില്ല ഒന്നാമതു വേഗറൻസിനു നൽകാനുദ്ദേശിക്കുന്ന റിലീഫിനേക്കാൾ കൂടുതൽ ഗൌരവമായി. ട്ടു് കണക്കാക്കാനുള്ളതു വേഗറൻസി (യാചനം) ഇല്ലാതെയാക്കുക എന്നുള്ളതാണു്. ഇ ന്നു യാചിക്കേണ്ടവർ മാത്രമല്ല യാചന നടത്തിവരുന്നതു്. ധനികന്മാരും ദേഹാദ്ധ്വാനം കൂടാതെ കഴിഞ്ഞു കൂടണമെന്നു ആഗ്രഹമുള്ളവരും ചിലപ്പോൾ സിവിൽ ഉദ്യോഗസ്ഥന്മാ രും ഈ യാചകന്മാരുടെ വേഷത്തിൽ ഭിക്ഷയാചിക്കുന്നതായികാണാം. അങ്ങിനെയുള്ളവ ർക്കു രക്ഷയല്ല, ശിക്ഷയാണുകൊടുക്കേണ്ടതു്. അതുകൊണ്ടു വേഗറൻസിബിൽ എന്ന പേർ ത ന്നെയാണു് നല്ലതു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

ഇനി ഈ ബിൽകൊണ്ടു യാചകന്മാക്കു എത്രമാത്രം രക്ഷയുണ്ടെന്നു നോക്കിയാൽ യഥാർത്ഥത്തിൽ അത്ര വലിയരക്ഷ ഒന്നും കാണുന്നില്ല. ഒരു യാചകനു രക്ഷനൽകുക എന്നുവെച്ചാൽ യാചിക്കാതെ കഴിഞ്ഞുകൂടുക എന്നല്ലാ സ്വന്തം പ്രയത്നം കൊണ്ടു ജീവിക്കാനുള്ള സാമർത്ഥ്യവും തൻറേടവും ഉണ്ടാക്കിക്കൊടുക്കുക എന്നുള്ളതാണു്. ഇങ്ങിനെയുള്ള തൻറേടവും ആരോഗ്യവും ഉണ്ടാക്കികൊടുത്താൽ മാത്രം പോരാ, അവക്കു എന്തെങ്കിലും ജോലികൊടുക്കുവാനും ഈ യാചകപ്രശ്നം നേരിട്ടു അഭിമുഖീകരിക്കുവാൻ തയ്യാറാകുന്നവർ ഒരുങ്ങണം. യാതൊരുതൊഴിലും ഇല്ലാത്തതുകൊണ്ടാണു മിക്കപേരും യാചിക്കാൻ പോകുന്നതു്. അവക്കു വിദ്യാഭ്യാസം കൊടുക്കുകയൊ മതപരമായ കാര്യങ്ങൾ പഠിപ്പിക്കുകയോ ഒന്നും ചെയ്യേണ്ടതായില്ല നേരെമറിച്ചു ജീവതത്തിനുതകുന്ന ഒരു തൊഴിൽ കൊടുത്താൽ അവർ യാചനയ്ക്കു നടക്കുകയില്ല. അങ്ങിനെ അവക്കൊക്കെ തൊഴിൽ കൊടുക്കുക എന്നുള്ളതു നമ്മൾകൊ ഗവമ്മേണ്ടിനൊ സാദ്ധ്യമല്ല. ഈ രാജ്യത്തിൽ യാചകന്മാരുടെ സംഖ്യ വർദ്ധിച്ചതിൻറെ കാരണം നമ്മുടെ നാട്ടിലെ തൊഴിലുകൾ അന്യരാജ്യക്കാർ കൊണ്ടുപോയതുകൊണ്ടാണു്. ഈ രാജ്യം വിദേശികളുടെ ഭരണത്തിൽ ഇരിക്കുന്നിടത്തോളം കാലം യാചകന്മാക്കു തൊഴിൽ കൊടുത്തു വിജയകരമാക്കുവണ്ണം അതിനെ അഭിമുഖീകരിക്കുവാൻ സാദ്ധ്യമല്ലെന്നുള്ളതിൽ രണ്ടു പക്ഷമില്ല. (ഹിയർ ഹിയർ) ഒരു രാജ്യം ആ രാജ്യം, സ്വതന്ത്രയാണെങ്കിൽ അതിനെ ശത്രുക്കളിൽ നിന്നു രക്ഷിക്കുന്നതിനുള്ള ചുമതല ആരാജ്യക്കാക്കുതന്നെയാണു്. ആ ഒരിനത്തിലേയ്ക്കു അനേകം ആളുകളെ ആവശ്യമുണ്ടു്. അതുപോലെ ഈ രാജ്യത്തെ കച്ചവടം ഈ രാജ്യത്തിലെ ജനങ്ങൾക്കു അധീനമായിരിക്കണം. ആ ഒരിനത്തിൽ അനേകംപേക്കു തൊഴിലുണ്ടാകും. അതുപോലെ വ്യവസായം ഈ രാജ്യത്തിലെ ജനങ്ങൾക്കു അധീനമാണെങ്കിൽ ആ ഇനത്തിലും തൊഴിലുണ്ടാകും എന്നാൽ വിദേശഭരണം നിലവിലിരിക്കുന്നിടത്തോളം കാലം ഇവയ്ക്കൊന്നും സൌകര്യമില്ല. സൈനിക വകുപ്പു അതായതു വിദേശ ശത്രുക്കളിൽ നിന്നു നമ്മളെ രക്ഷിക്കാനുള്ള ആ വലിയ വകുപ്പു നമ്മൾക്കു അധീനമല്ല. അതിനുള്ള ആളുകളെല്ലാം വിദേശക്കാരാണു്. അതു പോലെ വാണിജ്യവും ഭരിക്കുന്ന വിദേശ ഗവമ്മേണ്ടിൻറേതാണു്. അതു പോലെതന്നെ വ്യവസായവും. ഇങ്ങിനെ നമ്മൾക്കു ലഭിക്കുന്നതിനു അർഹതയുള്ള എല്ലാ തൊഴിലുകളും വിദേശികൾ ചൂഷണം ചെയ്തു കൈവശം വെച്ചുകൊണ്ടിരിക്കുന്നതിനാൽ ആ വക വഴികളിൽകൂടി തൊഴിലുണ്ടാക്കി കൊടുത്തു യാചകപ്രശ്നം പരിഹരിക്കാമെന്നു വിചാരിക്കുന്നതു മൌഢ്യമാണു്. നമ്മൾക്കു സ്വാതന്ത്ര്യം ലഭിക്കുന്നതുവരെ ആ നിലയിൽ അവരെ രക്ഷിക്കാമെന്നു വിചാരിക്കാൻ നിവൃത്തിയില്ല.

ഇനി ഈ ബില്ലിൻറെപേർ വേഗറൻസിറിലീഫ്ബിൽ എന്നതിനേക്കാൾ വേഗറൻ സിബിൽ എന്നപേർ തന്നെയാണു നല്ലതു്.

Mr. C. V. Iyyu *(Kunnamkulam):* Will the Hon'ble Member be pleased to inform the House whether there were beggars when India was ruled by Dravidians, Aryans etc.

Mr. Deputy President.— If the Hon'ble Member does not yield to the heckler the heckler will have to sit down.

മിസ്റ്റർ പി. നാരായണമേനോൻ: അതുകൊണ്ടു ഈ ബില്ലിൻറെ പേരിനെ സംബന്ധിച്ചിടത്തോളം യാതൊരു മാറ്റവും വേണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഇനി മറ്റൊരു സംശയം ഈകൃത്യം മറ്റൊരു സ്ഥാപനത്തിനു വിട്ടുകൊടുക്കുമൊ? അതൊ ഗവമ്മേണ്ടു നേരിട്ടു നടത്തണൊ, അല്ലെങ്കിൽ ഗവമ്മേണ്ടും സ്വകാര്യ സ്ഥാപനങ്ങളും കൂടി നടത്തണൊ എന്നുള്ളതാണു്, ഗവമ്മേണ്ടുതന്നെ നടത്തുന്നതാണു നല്ലതെന്നാണു എൻറെ പക്ഷം. ഇതിനുമുമ്പു പ്രൈവറ്റ് പാർട്ടീസ് പലതരത്തിലും ഈ പ്രശ്നത്തെ അഭിമുഖീകരിക്കുവാൻ ശ്രമിച്ചിട്ടുണ്ടു്. അതൊക്കെ പരാജയമടഞ്ഞിട്ടുമുണ്ടു്. വലിയ വലിയ കുടുംബങ്ങൾ ഭോഗിക്കുന്ന അവസരത്തിൽ ധർമ്മച്ചിലവിലേയ്ക്കു ഒരു തുക നീക്കിവെയ്ക്കും. വലിയ വലിയധനികന്മാരും അതു പോലെ വലിയതുകകൾ ധർമ്മച്ചിലവിലേയ്ക്കു നീക്കിവെയ്ക്കാറുണ്ടു്. ഇങ്ങിനെ പഴയകാലം മുതൽ ധർമ്മച്ചിലവിലേയ്ക്കായി നീക്കിവെച്ചിട്ടുള്ള സംഖ്യകളുടെ കണക്കു നോക്കിയാൽ വലിയൊരു തുകകാണും. ഇങ്ങിനെ നീക്കിവെച്ചിരിക്കുന്ന തുക അതു കൈവശം വെച്ചിരിക്കുന്നവർ ദാതാവിൻറെ ഉദ്ദേശമനുസരിച്ചു ചിലവു ചെയ്തില്ലെങ്കിൽ അതിനെകുറിച്ചു പരാതിപ്പെടാൻ യാചകന്മാക്കു വഴിയില്ല. അതിന്മേൽ കേസുകൊടുക്കുവാനും അവക്കു നിവൃത്തിയില്ല. ഈ വക സംഖ്യകൾ ഇന്നു അനാവശ്യമായി ചിലവു ചെയ്യുന്നതായിട്ടാണു കണ്ടുവരുന്നതു്. അങ്ങിനെയിരിക്കെ സ്വകാര്യസ്ഥാപനങ്ങൾക്കു ഈ കൃത്യം നിർവ്വഹിക്കുവാൻ ശക്തിയില്ലെന്നു ബോദ്ധ്യമാകുന്നതാണു്.

LIBRARY ARCHIVES Kerala Legislative Assembly

പിന്നെ ഒരു പ്രശ്നമുണ്ട്. ഒരിക്കൽ ഇവിടെനിന്നു ആനമലയുടെ അടുത്തെങ്ങോ പോയി താമസിച്ചിരുന്ന ഒരു പ്രഭുവിന്നു ഒരു വിഷമം നേരിട്ടു. അതായതു അദ്ദേഹത്തിന്റെ അച്ഛന്റെ ശ്രാദ്ധമൂട്ടേണ്ടിവന്നു. ശ്രാദ്ധപ്പിണ്ഡം കാക്കകൾ തിന്നാലെ അതുകൊണ്ടു പുണ്യമുള്ളു. പക്ഷെ അവിടെ കാക്കയില്ല അതിനാൽ ഇവിടെ നിന്നു മൂന്നു നാലു കാക്കകളെ പിടിച്ചു ഒരു കൂട്ടിലാക്കി അവിടെ കൊണ്ടുപോയി ശ്രാദ്ധമൂട്ടി ചോറുകൊടുത്തുവെന്നു കേട്ടിട്ടുണ്ട്. അതുപോലെ സാധുക്കൾക്കു ധർമ്മംകൊടുക്കുകയാണു സ്വർഗ്ഗത്തിലേയ്ക്കു ടിക്കറ്റു ലഭിക്കുവാനുള്ള എളുപ്പമാർഗ്ഗമെന്നു ചിലർ വിശ്വസിക്കുന്നുണ്ട്. അങ്ങിനെയുള്ളവർക്കു ഈ സ്ഥാപനം ഗവർമ്മേണ്ടു ഏറെറടുത്താൽ ധർമ്മം മേടിക്കാൻ ആളില്ലാതെ വരും. അങ്ങിനെ സ്വർഗ്ഗത്തിലേയ്ക്കുള്ള ടിക്കറ്റു കിട്ടാൻ സാദ്ധ്യമല്ലാതെവരും. എന്നാൽ ധർമ്മം കൊടുക്കണമെന്നു വിചാരിക്കുന്ന മഹാന്മാരോടന്മാർ ആ സംഖ്യ ഗവർമ്മേണ്ടിനെ ഏല്പിച്ചാൽ അതു ശരിയായ ധർമ്മം ആയിരിക്കും. ധർമ്മിഷ്ഠന്മാർക്കു അങ്ങിനെ ആശ്വസിക്കുകയും ചെയ്യാം.

പിന്നെ നമ്മെ സ്പർശിക്കുന്ന മറെറാരു പ്രശ്നം, ഇതിനെ അനുകൂലിക്കാൻ എനിക്കു സാദ്ധ്യമല്ലെന്നു ഒരു മെമ്പർ പറഞ്ഞുകേട്ടു. എന്നാൽ ഈ ഒരു പല്ലവി പണ്ടെയ്ക്കുപണ്ടെ ഉള്ളതായതുകൊണ്ടു ആരും അതിനെ ഗൌരവമായി എടുക്കുകയില്ല. കുറുംകളം മെമ്പറവർകൾ ചോദിക്കുകയുണ്ടായി. ബ്രിട്ടീഷുകാർ വരുന്നതിന്നു മുമ്പു് ഇവിടെ ഭിക്ഷക്കാരുണ്ടായിരുന്നില്ലെന്നു്. ഉണ്ടായിരുന്നുവെന്നു ഞാനും സമ്മതിക്കുന്നു. എന്നാൽ ഇന്നു വളരെ വർദ്ധിച്ചിട്ടുണ്ടു്. അതിനു രണ്ടുകാരണങ്ങളാണുള്ളതു്. ഒന്നു വിദേശികളുടെ ചൂഷണം, രണ്ടു, ഈ നാട്ടിലെ ധനികന്മാരുടേയും വസ്തു ഉടമസ്ഥന്മാരുടേയും ചൂഷണം. അങ്ങിനെ പണ്ടത്തേക്കാൾ യാചകന്മാർ പതിന്മടങ്ങു വർദ്ധിച്ചിട്ടുണ്ടു്. അതുകൊണ്ടാണു് യാചകന്മാരുടെ സംഖ്യ കുറയണമെങ്കിൽ ഈ വിദേശ ഗവർമ്മേണ്ടു ഇവിടെനിന്നു പോകണമെന്നു ഞാൻ പറയുന്നതിന്റെ കാരണം അതിനുമുമ്പു എന്തുകൊണ്ടു ഇവിടെ യാചകന്മാരുണ്ടായി എന്നു നോക്കാം. മണിമന്ദിരങ്ങളിൽ സ്വർഗ്ഗതുല്യങ്ങളായ സുഖങ്ങൾ അനുഭവിച്ചുകൊണ്ടു അനേകം ആളുകൾ കഴിയുന്നിടത്തോളം കാലം ഉപജീവനത്തിനു പോലും കിട്ടാതെ വിഷമം അനുഭവിക്കുന്ന അനവധി ആളുകൾ ഉണ്ടാകാതെ നിവൃത്തിയില്ല. ഒരു കാലത്തു ജന്മികളെ കൊണ്ടു സമുദായത്തിനു ആവശ്യമുണ്ടായിരുന്നു. അന്നു അവർക്കു ചില കൃത്യങ്ങൾ നിവൃത്തിക്കാനുണ്ടായിരുന്നു. അതിനാണു അവർക്കു അന്നു ചില ആദായങ്ങൾ ഒക്കെ കൊടുത്തുകൊണ്ടിരുന്നതു്. എന്നാൽ ഇന്നു അവരെകൊണ്ടു സമുദായത്തിനാകട്ടെ അല്ലെങ്കിൽ സമുദായത്തിനെകൊണ്ടു അവർക്കാകട്ടെ യാതൊരു പ്രയോജനവുമില്ല. പ്രിൻസു് ആഫ് വേയ്ൽസിനെപോലെ അതായതു, അതിമനോഹരമായതറ കെട്ടി വാട്ടം തട്ടാത്തതരത്തിലുള്ള ശുശ്രൂഷകൾ ചെയ്തു ആ ചെടിയെ വളർത്തുന്നു. എന്നാൽ അതിനു കായകളാകട്ടെ ഉള്ള പുഷ്പത്തിനു സുഗന്ധമാകട്ടെ ഇല്ല. അതിൽ നിന്നു ആക്കെങ്കിലും ഒരു തണൽ കിട്ടുമെന്നുവെച്ചാൽ അതില്ല. യാതൊരുപ്രയോജനവും അതിൽനിന്നു വളർത്തുന്നവനു ലഭിക്കുന്നില്ല. വെറും ഒരു കാഴ്ചയ്ക്കുവേണ്ടിമാത്രം അതിനെ നട്ടുനനച്ചു വളർത്തുന്നു. വെറും നിറമുള്ള ആ ചെടിയെപോലെ പ്രിൻസു് ആഫ് വേൽസിനെപോലെ ഒരു കൂട്ടർ ജനസമുദായത്തിനു ഒരു പ്രയോജനവുമില്ലാതെ സ്വർഗ്ഗതുല്യമായ സുഖങ്ങൾ അനുഭവിച്ചു ജീവിക്കുന്നുണ്ടു്. അവരിൽ നിന്നു വെറും മൂഗപ്രായന്മാരായി ജീവിക്കുന്ന സാധുക്കളെ സഹായിക്കുന്നതിനു പെറിയൊരു സംഖ്യ വേണം എന്നു പറയുമ്പോൾ അതു അനീതിയാണു, ഞങ്ങൾ കൊടുക്കയില്ലെന്നു പറയുന്നതു നിർദ്ദയത്വമാണു്.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: കൊടുക്കുകയില്ലെന്നു ആരും പറഞ്ഞിട്ടില്ല.

മിസ്റ്റർ പി. നാരായണമേനോൻ: ഏതായാലും ഇതിനെ കുറിച്ചു ഇതിൽ കൂടുതലൊന്നും എനിക്കു പറയാനില്ല. ഞാൻ ഈ ബില്ലിനെ അനുകൂലിക്കുന്നു.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ: ഏതായാലും പ്രസംഗത്തിനു ഇവിടെ 6 മണിവരെ സമയമുണ്ടു്. അതുകൊണ്ടു ഞാനും രണ്ടുവാക്കു സംസാരിച്ചുകളയാം. ഈ വിഷയത്തെ സംബന്ധിച്ചു് സൂക്ഷ്മമായ വാദപ്രതിവാദങ്ങൾ ഇവിടെ നടന്നതിനുശേഷം അതിൽ കൂടുതലായി എന്താണു പറയേണ്ടതെന്നു് ബഹുമാനപ്പെട്ട മെമ്പർമാരിൽ പലർക്കും തോന്നിയേക്കാം. മലയാളസാഹിത്യത്തിൽ ഗവേഷണംനടത്തിവരുന്ന ഒരു വിദ്യാർത്ഥിക്കു് ഒരു ഓറഞ്ചുലോകം കിട്ടി. അതിന്റെ അർത്ഥം എന്താണെന്നു് അയാൾക്കു മനസ്സിലാക്കാൻ കഴിഞ്ഞില്ല. ഉടനെ ഉള്ളൂരിനെ കൊണ്ടുപോയി കാണിച്ചു. അദ്ദേഹത്തിനും അതിന്റെ അർത്ഥം പറയാൻ കഴിഞ്ഞില്ല. വള്ളത്തോളിനെ കൊണ്ടുപോയി കാണിച്ചു; അദ്ദേഹത്തിനും അതിന്റെ അ

LIBRARY ARCHIVES Kerala Legislative Assembly

ത്ഥം പറയാൻ കഴിഞ്ഞില്ല. ഒടുവിൽ മിസ്റ്റർ ശങ്കരൻ നമ്പ്യാരെ കൊണ്ടുപോയി കാണിച്ചു; അദ്ദേഹത്തിനും അതിന്റെ അർത്ഥം എന്താണെന്നു പറയാൻ കഴിഞ്ഞില്ല. ഇങ്ങിനെ പല മാന്യന്മാരെ കാണിച്ചിട്ടും അർത്ഥമെന്താണെന്നു മനസ്സിലാക്കുവാൻ സാധിക്കാതെ കണ്ണിതത്തോട്ടക്കുടി അയാൾ തൃശ്ശിവപേരൂർ നടക്കാവിൽക്കൂടി പോകുമ്പോൾ ഒരു കച്ചവടക്കാരൻ വിളിച്ചു് "എന്താ ആലോചിച്ചുകൊണ്ടുപോകുന്നതു്" എന്നു ചോദിച്ചു. അയാൾ ചെന്നില്ല. വീണ്ടും മാടി വിളിച്ചു. അയാളുടെ ചോദ്യത്തിനു മറുപടി ഒന്നും ആവശ്യമില്ലെന്നതന്നെ ആ വിദ്യാർത്ഥിക്കു തോന്നി. കച്ചവടക്കാരനു സാഹിത്യത്തെപ്പറ്റി അറിവില്ലെന്നു വിചാരിച്ചു മറുപടി പറഞ്ഞില്ല. "എന്താണു മൌനം" എന്നു കച്ചവടക്കാരൻ ചോദിച്ചു. "എന്റെ ഒരു മറ്റ ശ്ലോകത്തിനു് അർത്ഥം മനസ്സിലായില്ല. ഞാൻ അതു പലരേയും കാണിച്ചു അതിന്റെ ലിസ്റ്റാണിതു്" എന്നു പറഞ്ഞു ലിസ്റ്റെടുത്തു കച്ചവടക്കാരനെ കാണിച്ചു. "ശ്ലോകം എന്താണു്, അതെടുക്കൂ. ഞാനൊന്നു നോക്കട്ടെ," എന്നു പറഞ്ഞു് ശ്ലോകം കയ്യിൽവാങ്ങി നോക്കി. ഒടുവിൽ "എനിക്കും ഇതിന്റെ അർത്ഥം മനസ്സിലായില്ല, അതുകൊണ്ടു് എന്റെ പേരുകൂടി ആ ലിസ്റ്റിനു താഴെയായി ചേർത്തുകൊള്ളുക" എന്നു പറഞ്ഞു് പറഞ്ഞയച്ചു. ആ നിലയിൽ വളരെ ആളുകൾ പ്രസംഗിച്ച കൂട്ടത്തിൽ അവരുടെ പിന്നാലെ എന്റെ പേരും ചേർക്കുവാനായിട്ടല്ല ഞാൻ പ്രസംഗിക്കുന്നതു്. ഈ വിഷയത്തിൽ ഗവമ്മെണ്ടിനേയും, ഗവമ്മെണ്ടു് നിയമിച്ച കമ്മിറ്റിയേയും പ്രത്യേകിച്ചു് അഭിനന്ദിക്കേണ്ടതുണ്ടു്. ഈ പ്രശ്നം ഗവമ്മെണ്ടു് ഏറ്റെടുത്തു് ഇതിനൊരു നിവാരണം വരുത്തുവാൻ പരിശ്രമിക്കുന്നതിനെക്കുറിച്ചു് സ്തുതിക്കേണ്ടതായിട്ടുണ്ടു്. പ്രൈവറ്റ എജൻസികൾക്കു വിട്ടുകൊടുക്കണമെന്നുള്ള കാര്യം ഇവിടെ ചിലർ പറയുകയുണ്ടായി. ഗവമ്മെണ്ടു് ഏറ്റെടുത്താൽ അതു് ഒരുകാലത്തു് വിജയത്തിൽ പര്യവസാനിക്കുകയില്ലെന്നുള്ള ഭയാശങ്കകളെല്ലാം വലിച്ചെറിയുക. ഗവമ്മെണ്ടു നേരിട്ടു നടത്തി ഫലപ്രദമാണെന്നുകണ്ടാൽ പിന്നെ പ്രൈവറ്റ് എജൻസികൾക്കു വിട്ടുകൊടുക്കുന്നതിനു് വിഷമമുണ്ടാകയില്ല. ഈ വിഷയം ഈ സഭയിൽ ആദ്യമായി ഗവമ്മെണ്ടിന്റെ ദൃഷ്ടിയിൽ പെടുത്തിയതു് മിസ്റ്റർ എം. കെ. ദേവസ്സി, മിസ്റ്റർ മത്തായി എന്നീ രണ്ടു എക്സ് എം. എൽ. സി. മാരാണു്. അവരുടെ പേരുകളും ഈ അവസരത്തിൽ പ്രസ്താവയോഗ്യമാണു്. പ്രൈവറ്റ് എജൻസികൾക്കു വിട്ടുകൊടുക്കുന്നകാര്യത്തെ സംബന്ധിച്ചു് വിസ്തരിച്ചിട്ടില്ലെന്നാണു് റിപ്പോർട്ടിൽനിന്നും മനസ്സിലാകുന്നതു്. ഗവമ്മെണ്ടിൽനിന്നും ഇതിലേക്കു് ആദ്യമായി ഒരു കമ്മിറ്റിയെ നിയമിച്ചതിനുശേഷം ഒരു കോൺസ്റ്റിനയർ ന്യായമായി എല്ലാ കൌൺസിൽ മെമ്പർമാർക്കും അയച്ചുകൊടുത്തു. കുറച്ചുകാലം മറുപടിക്കായിട്ടും പ്രതീക്ഷിച്ചു. അന്നൊന്നും അതിനെപ്പറ്റി യാതൊരു പ്രതിഷേധവും ഉണ്ടായില്ല. സാക്ഷികളെ വിസ്തരിച്ചപ്പോഴും യാതൊരു അഭിപ്രായവ്യത്യാസവും ഉണ്ടായില്ല. ആ നിലയിൽ ഗവമ്മെണ്ടു വളരെ പണവും ചിലവുചെയ്തു. പൊതുക്കാര്യത്തിന്നായി സമയവും വിനിയോഗിച്ചു വളരെ ബുദ്ധിമുട്ടി. ഇങ്ങിനെ സുദീർഘമായ ഒരു റിപ്പോർട്ടു പ്രചരിപ്പിച്ചതിനുശേഷം അതു് ഒരിക്കലും നേരെയാകയില്ലെന്നുള്ള ശാപത്തോടുകൂടി പറയുന്നതു ശരിയല്ല.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ : ധർമ്മസ്ഥാപനങ്ങൾക്കു വിട്ടുകൊടുക്കണമെന്നാണു പറയുന്നതു്.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ : ഇന്നത്തെ നിലയിൽ അതു ഗവമ്മെണ്ടിൽനിന്നതന്നെ ഏറ്റെടുക്കേണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം. അതോടുകൂടി ക്രമത്തിൽ പ്രൈവറ്റ ഏജൻസികൾക്കും വിട്ടുകൊടുക്കാവുന്നതുമാണു്. എന്നാൽ ഗവമ്മെണ്ടിന്റെ ഇതിലേക്കുള്ള ഉദ്യമം വിഫലമാകയേ ഉള്ളു എന്നു ശപിക്കുന്നതു് ആശാസ്യമായിട്ടുള്ളതല്ല.

മിസ്റ്റർ ടി. എ. രാമചന്ദ്രയ്യർ : പ്രൈവറ്റ് ഏജൻസികൾക്കു വിട്ടുകൊടുക്കണമെന്നു് റിപ്പോർട്ടിൽ പറഞ്ഞിട്ടുണ്ടു്.

മിസ്റ്റർ എം. കൃഷ്ണമേനോൻ : ഗവമ്മെണ്ടിൽനിന്നും അവതരിപ്പിച്ച ബില്ലിൽ ഇല്ല. റിപ്പോർട്ടിൽ ഉണ്ടെന്നാണു് ഞാനും പറഞ്ഞതു്. അതുകൊണ്ടു് ഗവമ്മെണ്ടതന്നെ ഇപ്പോൾ ഏറ്റെ നടത്തണമെന്നാണു് എന്റെ അഭിപ്രായം.

Mr. M. Sivarama Menon *(Advocate-General)* : This Bill has received practically unanimous support at the hands of the Council, except for the dissentient note struck by the Hon'ble Member for Adur and in the course of the discussion it was pointed out by one Hon'ble Member that this statute can be considered as a pioneer in this line. The House may be pleased to remember that there are already legislation in the Province of Bengal as well as in the State of Hyderabad. In fact, our Bill which is now before the House.

LIBRARY ARCHIVES Kerala Legislative Assembly

Mr. T. P. Poulose *(Kanayannur):* In Bengal it was an emergency measure.

Mr. M. Sivarama Menon *(Advocate-General):* This Bill is more or less based upon the Bengal Act which is in force there. We cannot say we are the pioneers. We owe much to the line of action taken in Bengal and Hyderabad. Apart from that aspect it was pointed out by the Hon'ble Member for Adur that Government should not take the responsibility of running these institutions but should leave these things entirely to private institutions. Government are well aware that this aspect will be a bone of contention in this House as well. The question relating to the mode of taxation must determine the quantum of money that can be realised by putting into operation these provisions. When the question of taxation, is itself in a fluid State Government cannot anticipate the reasonable return that may be received. Government cannot therefore in regard to such a controversial matter as giving grants to private agencies take a decision at this stage. What is it that the Government is going to do by this Bill? Government is prohibiting vagrancy. When Government is prohibiting any person from resorting to vagrancy is it not the prime duty of Government that they should make adequate provision for the maintenance of the vagrants. This Bill makes provision for medical attendance, maintenance, education, providing work for able bodied beggars and taking care of the sick and infirm. It is also the duty of the Government to see to the proper employment of the able bodied beggars so that they may be in a position to fight their own battle in life by making them realise and discharge their duties. When Government accepts primary responsibility for prohibiting beggary or vagrancy in the State is it not up to the Government to have on their account Relief centres run by them. Is it the case that all these private agencies who have been looking after some beggars of their choice till this date should be given grants for the discharge or a religious or moral duty on their part? The Hon'ble Member was quoting as an instance the history of Poor Law Legislation in England and for getting that in India there are very many castes and creeds. The precedent quoted may not be exactly applicable to cases where there are different communities. Mr. Govinda Pai was saying that members of his community should not be made to partake in a common mess. That may wound their religious feelings. Now this House has to take note of all these considerations. This House is going to impose a tax. The mover himself said that these are only tentative proposals. Government should know the extent of the funds that they can have for the relief of vagrancy before the question of grant is considered.

Mr. T. P. Poulose *(Kanayannur):* Are you to understand that Government is not in a position to have sufficient funds to give food to those who require food and for preventing beggary and vagrancy.

Mr. M. Sivarama Menon *(Advocate-General):* That will depend upon the House sanctioning the taxation proposals. We are not cock sure that all the proposals will be sanctioned by the House. Unless the Government can raise funds to maintain and protect beggars there is no justification to prohibit them from begging. Why is it that the mover wants that the Bill to be referred to a Select Committee? We have yet to consider several aspects of the question and these aspects have to be thrashed out at the hands of the Select Committee and the result of the decision will be considered by Government. The motion now is that the Bill be read in council. I am very glad to find that almost all the members who have spoken on this Bill have given their unanimous opinion on the main principles of the Bill and therefore I would request the House to vote for the motion before the House and differ from the views expressed by the Hon'ble Member for Adur.

Motion that the Bill be read in Council was put and carried

Secretary to the Council.— The title of the Bill is "The Cochin Vagrancy Bill."

Mr. C. J. Mathew *(Joint Secretary to Government):* I beg to move that the Cochin Vagrancy Bill be referred to a Select Committee consisting of :—

1. Advocate General
2. Diwan Peishkar
3. Rao Sahib M. Nanu Menon
4. Mr. Joseph Petta
5. Mr. P. P. Devassy
6. Mr. V. K. Kutty
7. Mr. V. K. Bhaskara Menon
8. Mr. K. T. Achyuthan
9. Mr. Shabdai S. Koder
10. Mr. N. Govinda Pai
11. Mr. T. V. Kochuvareed

and 12. The Mover

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

Mr. Deputy President: The Advocate-General will be Chairman and the report will be submitted within three months.

The House rose for the day at 5-30 p.m.

N. S. RADHAKRISHNA SARMA
Secretary to the Council.

LIBRARY ARCHIVES Kerala Legislative Assembly

APPENDIX VI

A Bill for the prohibition of vagrancy and for the relief of vagrants in Cochin State

Preamble.—Whereas it is necessary in the public interests to make special provision for dealing with vagrancy ; It is hereby enacted as follows.—

CHAPTER I

Preliminary

1. (*i*) *Short title, extent and commencement.*—This Act may be called "The Cochin Vagrancy Act, of 11 ".

(*ii*) Government may from time to time by notification in the Cochin Government Gazette, apply the whole or any of the provisions of this Act to the whole of Cochin State or any specified local area therein, from such date as may be specified in the notification, and may in like manner cancel or modify such notification.

2. *Definitions.*—In this Act, unless there is anything repugnant in the subject or context,—

(*i*) "Alms" means anything gratuitously given to a vagrant, such as money, food—cooked or uncooked—grain or clothing or any other thing of value.

(*ii*) "Central Committee" means the Central Advisory Committee constituted by Government, under sub-section (*i*) of section 4 of this Act.

(*iii*) "Child" means a person under the age of 12 years.

(*iv*) "Goods" means all kinds of movable property other than actionable claims and includes stocks, shares and securities and all materials, commodities and articles.

(*v*) "Local area" means any area declared as such by Government from time to time for the purposes of this Act by notification in the Cochin Government Gazette.

(*vi*) "Local Committee" means the Committee appointed by the Central Committee for any local area.

(*vii*) "Magistrate" means a person exercising the powers of a Magistrate not below the rank of a Second Class Magistrate under the Code of Criminal Procedure, II of 1086.

(*viii*) "Merchant" means a dealer in goods and includes a commission agent.

(*ix*) "Offence" means an act or omission punishable under this Act.

(*x*) "Prescribed" means prescribed by rules under this Act.

(*xi*) "Receiving Centre" means a house or institution for the reception and temporary detention of vagrants provided by Government.

(*xii*) "Turn-over" means the aggregate amount for which goods are sold by a dealer for cash or for deferred payments or other valuable consideration and includes the aggregate amount of business transacted by or through a commission agent.

(*xiii*) "Vagrancy Officer" means the Vagrancy Officer appointed by Government under sub-section (*i*) of section 6.

(*xiv*) "Vagrant" means any person who obtain or is in the habit of obtaining his livelihood by soliciting alms, impliedly or explicitly, in any public place or a place to which the public resort and includes—

(*a*) any person who solicits alms wandering from door to door ;

(*b*) any person who exposes or exhibits any sores, wounds or bodily ailments or deformities or makes false and fraudulent pretences with the object of exciting pity for securing alms ; and

(*c*) religious medicants who ask for alms from door to door or in any public place or a place to which the public resort.

3. *Vagrancy prohibited.*—No person shall ask for alms in any area in which this Act is in force.

4. *Central Advisory Committee and President.*—(*i*) As soon as may be after the commencement of this Act, Government shall cause to be constituted a Central Advisory Committee consisting of not less than 12 members, of whom the majority shall be non-officials and may appoint one of the members to be the President of the Committee.

(*ii*) The function of the Central Committee shall be to advise Government on all matters relating to the control of vagrants and in particular on the administration of this Act, and for the aforesaid purposes any member of the said Committee may enter and inspect at any time any receiving centre or relief settlement.

LIBRARY ARCHIVES Kerala Legislative Assembly

(*iii*) The Central Committee may, with the previous approval of Government, make regulations to provide for—

(*a*) the times and places at which its meetings shall be held ;
(*b*) the issue of notices concerning such meetings;
(*c*) the conduct of business thereat; and
(*d*) such other matters as are necessary for the discharge of their functions.

5. *Local Committees.*—(1) The Central Committee may, for the purposes of discharging its duties under this Act in any local area, constitute in the manner prescribed a Local Committee.

(2) The function of the Local Committee shall be to advise the Central Committee on all matters relating to the control of vagrants and in particular on the administration of this Act in the local area for which it is constituted and for the above-mentioned purposes any member of the Local Committee may enter and inspect at any time any receiving centre or relief settlement in that area.

(3) The Local Committee may, with the previous approval of the Central Committee, make regulations to provide for—

(*a*) the times and places at which its meetings shall be held ;
(*b*) the issue of notices concerning such meetings ;
(*c*) the conduct of business thereat ; and
(*d*) such other matters as are necessary for the discharge of their functions.

6. *Appointment of Vagrancy Officer.*—(*i*) Government may appoint a person to be the Vagrancy Officer together with such staff as may be necessary for carrying out the purposes of this Act.

(*ii*) Persons appointed under sub-section (*i*) shall exercise such powers as may be conferred, and perform such functions as may be required by or under this Act.

CHAPTER II

Procedure

7. *Voluntary application for relief.*—A vagrant may present himself at a receiving centre and apply orally or in writing to the Officer-in-charge for the relief provided under this Act. The Officer-in-charge shall thereupon hold such enquiry as he deems fit, and on being satisfied that the applicant is a vagrant, produce him before a Magistrate. If after such enquiry the Officer-in-charge is not satisfied that the applicant is a vagrant, his application shall be refused.

8. *Power to require apparent vagrant to appear before Magistrate.*—Any Police Officer, any Sanitary Inspector, Scout Master, Excise Officer, or any officer authorised by Government in this behalf, may arrest any person who is apparently a vagrant and produce him before the Magistrate having jurisdiction over the area in which the offence is committed.

9. *Summary enquiry in respect of apparent vagrant.*—(*i*) When a person is brought before a Magistrate under section 7 or section 8, the Magistrate shall make a summary enquiry in the prescribed manner into the circumstances and character of such person and if after hearing such person the Magistrate is satisfied that such person is a vagrant and that he is a subject of His Highness the Maharaja of Cochin, he shall record a declaration to that effect and the provisions of this Act relating to vagrants shall thereupon apply to such person. If the Magistrate is not satisfied that the person brought before him is a vagrant, such person shall forthwith be released. If the Magistrate finds that the vagrant is not a subject of His Highness the Maharaja of Cochin, the Magistrate shall by order in writing direct the said vagrant to leave Cochin State within such time and by such route or routes as may be specified in the order and not to return thereto without the permission in writing of the Magistrate. Provided that the Magistrate may, if he is satisfied that the vagrant brought before him under section 7 or section 8 will not, if released, resort to vagrancy, he may direct his release with or without surety as he may deem fit.

(*ii*) When a vagrant against whom an order of externment under sub-section (*i*) has been made fails to comply with such order within the time specified therein, or after complying with the said order returns to Cochin State as a vagrant without the permission in writing of the Magistrate, such vagrant may be arrested without a warrant by any Police Officer and shall be liable, on conviction before a Magistrate, to be punished with rigorous imprisonment for a term which may extend to 6 months.

(*iii*) If in the course of the enquiry by the Magistrate under sub-section (*i*) it is found that the vagrant has any property in his own right the Magistrate shall, while making the declaratory order, direct that the cost of maintaining the said vagrant or such amount as may be specified by him be recovered as fine from the property of the vagrant.

LIBRARY ARCHIVES Kerala Legislative Assembly

(*iv*) A Magistrate recording a declaration under sub-section (*i*) that a person is a vagrant shall forthwith send a certified copy of such declaration to the Vagrancy Officer and to the Officer-in-charge of the receiving centre to which such vagrant is sent under sub-section (*i*) of section 10.

10. *Detention in receiving centre and medical examination of vagrant.*—(*i*) When a person has been declared to be a vagrant under sub-section (*i*) of section 9, he shall forthwith be sent to the nearest receiving centre and there handed over to the custody of the Officer-in-charge of such receiving centre and such vagrant shall be detained in such receiving centre until he is sent therefrom to a relief settlement under sub-section (*i*) of section 11.

(*ii*) As soon as possible after the commencement of the detention of a vagrant in a receiving centre, the Medical Officer of such receiving centre shall examine the vagrant as quickly as is consistent with the circumstances of the case and shall thereupon furnish the Officer-in-charge of the receiving centre with a report regarding the health and bodily condition of the vagrant.

(*iii*) The report referred to in sub-section (*ii*) shall state *inter alia*,—

(*a*) the sex and age of the vagrant;

(*b*) whether the vagrant is a leper;

(*c*) from what, if any, communicable diseases other than leprosy the vagrant is suffering;

(*d*) whether the vagrant is insane or mentally deficient; and

(*e*) what is the general state of health and bodily condition of the vagrant and for which, if any, of the prescribed types of work he is fit.

11. *Procedure for sending vagrant to Relief Settlement.*—(*i*) On receipt of the report referred to in sub-section (*ii*) of section 10, the Officer-in-charge of a receiving centre shall, as soon as the necessary arrangements can be made, send the vagrant to such relief settlement as the Vagrancy Officer may, by general or special order in this behalf, direct and the said Officer-in-charge shall along with such vagrant send to the Manager of the said relief settlement—

(*a*) the certified copy of the declaration made under sub-section (*i*) of section 9 relating to such vagrant, and

(*b*) the said medical report.

(*ii*) When a vagrant is sent to a relief settlement under the provisions of sub-section (*i*), he shall be detained therein or in a relief settlement to which he may be transferred under section 17, until duly discharged therefrom under section 19.

(*iii*) In issuing an order under sub-section (*i*), the Vagrancy Officer shall ensure that the following classes of vagrants, namely.—

(*a*) lepers,

(*b*) the insane or mentally deficient,

(*c*) those suffering from communicable diseases other than leprosy, and

(*d*) children,

are segregated from each other and from vagrants who do not belong to any of the aforementioned classes in such manner as may be prescribed and shall also ensure that the male vagrants are segregated from female vagrants:

Provided that the provisions of this sub-section in respect of children shall be relaxed in the manner prescribed.

12. *Validity of custody and detention of vagrant.*—A declaration that a person is a vagrant recorded by a Magistrate under sub-section (*i*) of section 9 shall be sufficient authority to any person to retain such vagrant in his custody when such person is under the provisions of this Act or of any rule made thereunder conveying a vagrant from the court of a Magistrate to a receiving centre or from a receiving centre to a relief settlement or from one relief settlement to another and to the Officer-in-charge of a receiving centre and to the Manager of a relief settlement for detaining such vagrant in accordance with the provisions of this Act in a receiving centre or relief settlement, as the case may be.

CHAPTER III

Receiving Centres and Relief Settlements

13. *Provision of Receiving Centres.*—(*i*) Government may provide and maintain for the purposes of this Act one or more receiving centres for each local area.

(*ii*) For the purposes of this Act, every receiving centre shall be under the immediate control of an Officer-in-charge who shall be appointed by Government and who shall perform his functions subject to the orders of the Vagrancy Officer.

LIBRARY ARCHIVES Kerala Legislative Assembly

(*iii*) Government shall also appoint for every receiving centre one or more qualified persons as medical officer.

14. *Provision of Relief Settlements.*—Government may provide and maintain one or more Relief Settlements for each local area as they think fit and such relief settlement may include provision for the teaching of agricultural, industrial or other pursuits and for the general education and medical care of the inmates.

Every such relief settlement shall be under the immediate charge of a Manager who shall be appointed by Government and who shall perform his functions subject to the orders of the Vagrancy Officer.

15. *Search of vagrants.*—Every Officer-in-charge of a receiving centre or Manager of a relief settlement may order that any vagrant detained in such receiving centre or relief settlement shall be searched and that the personal effects of such vagrant shall be inspected and any money then found with or on the vagrant shall be applied in the manner prescribed towards the welfare of vagrants and any of such effects other than money may be sold in auction and the proceeds of the sale shall be applied as aforesaid:

Provided that a female vagrant shall be searched only by a female and with due regard to decency.

16. *Management and discipline.*—(*i*) Vagrants detained in receiving centres or relief settlements under this Act shall be subject to such rules of management and discipline as may from time to time be prescribed.

Explanation.—Discipline includes the enforcement of the doing of manual or other work by a vagrant.

(*ii*) If any vagrant wilfully disobeys or neglects to comply with any rule prescribed under sub-section (*i*), he shall, on conviction before a Magistrate, be liable to be punished with rigorous imprisonment for a term which may extend to three months.

(*iii*) Government may authorise the Manager of a relief settlement to punish any vagrant detained in such relief settlement who wilfully disobeys or neglects to comply with any rule prescribed under sub-section (*i*) with hard labour of the type prescribed, for any period not exceeding seven days; and such punishment may be in lieu of or in addition to any punishment to which the vagrant may be liable under sub-section (*ii*).

17. *Transfer of vagrants from one relief settlement to another.*—The Vagrancy Officer may by order in writing direct the transfer of a vagrant from one relief settlement to another and a vagrant in respect of whom such an order is passed shall thereupon be sent to and handed over to the custody of the Manager of the relief settlement to which he has by such order been transferred.

18. *Outside employment to be obtained for vagrants when possible.*—The Manager of a relief settlement shall use his best endeavours to obtain outside the relief settlement suitable employment for vagrants detained therein.

19. *Discharge of vagrants from relief settlement.*—(*i*) A vagrant may be discharged from a relief settlement under orders of the Vagrancy Officer.—

(*a*) on the Manager of such relief settlement certifying in the prescribed manner that satisfactory employment has been obtained for such vagrant; or

(*b*) on being shown to the satisfaction of the Vagrancy Officer that such vagrant has become possessed of an income sufficient to enable him to support himself without resorting to vagrancy; or

(*c*) on a relative of such vagrant or a person who the Vagrancy Officer is satisfied is interested in the welfare of such vagrant, entering into a bond with or without sureties for a sum prescribed, to look after and maintain such vagrant and to prevent him from resorting to asking for alms; or

(*d*) for other good and sufficient reasons to be recorded by the Vagrancy Officer in writing.

(*ii*) When the employment referred to in clause (*a*) of sub-section (*i*) has been obtained for a vagrant, any such vagrant refusing or neglecting to avail himself thereof shall be liable to be punished, on conviction before a Magistrate, with rigorous imprisonment for a term which may extend to one month.

LIBRARY ARCHIVES Kerala Legislative Assembly

CHAPTER IV

Finance

20. *Vagrancy Cess.*—(*i*) For the purposes of this Act, there shall be levied and collected from a person every year a vagrancy cess.—

(*a*) in respect of the lands owned by him at the rate of 6¼ per cent of the land revenue to which the said lands have been assessed in the preceding year;

(*b*) in respect of lands other than premises used for religious worship comprised in an Inam grant or other lands not subjected to land revenue held by him, at 6¼ per cent of the land revenue to which the said lands would have been assessed had such lands been assessed to land revenue;

(*c*) in respect of lands held by him on Adima, Anubhogam, Kanom, Karaima, Nerkanam, Otti or Verumpattam, at the rate of 6¼ per cent of the land revenue to which the said lands have been assessed and where such lands have not been subjected to the payment of land revenue at 6¼ per cent of the land revenue to which the lands would have been assessed had such lands been assessed to land revenue;

(*d*) in respect of his income as defined in the Cochin Income-tax Act, VI of 1117, at 6¼ per cent of the income-tax and super-tax to which he has been assessed in the preceding year under the said Act;

(*e*) in respect of his property and professional income within a municipality, at the rate of 6¼ per cent of the taxes excluding taxes on carriages and animals payable by him in the preceding year, under the Cochin Municipal Act, XVIII of 1113;

(*f*) in respect of his income as defined in the Cochin Income-tax Act where it exceeds Rs. 600 but does not exceed Rs. 2,000 which has not been assessed to profession tax under the Cochin Municipal Act, XVIII of 1113, at the rate of one anna for every Rs. 50 or part thereof in excess of an income of Rs. 600 in the preceding year;

(*g*) in respect of the turn-over of the business of a merchant at the rate of 3 pies per every Rs. 100 or part thereof of such turn-over in the preceding year.

(*ii*) Notwithstanding anything contained in the Cochin Tenancy Act, XV of 1113, and the Verumpattamdars Act, VIII of 1118, or any contract to the contrary in the contract of tenancy, the cess leviable from a landlord under clauses (*a*), (*b*) and (*c*) of sub-section (*i*) shall not be recoverable by him from his tenant.

Explanation.—Land-lord for the purposes of this sub-section includes intermediaries.

21. *Recovery of Cess.*—(*i*) The cess leviable under section 20 shall be deemed to be an arrear of revenue within the Cochin Revenue Recovery Act, IV of 1083 and shal. be recoverable as such under the provisions of the said Act.

(*ii*) The cess leviable under clauses (*a*), (*b*) and (*c*) of sub-section (*i*) of section 20 shall be a paramount charge equally with land revenue on the interests over the lands of the person liable to pay the same.

CHAPTER V

Penalties and Procedure

22. *Punishment for employing or causing persons to ask for alms.*—Whoever employs or causes any person to ask for alms or abets the employment or the causing of a person to ask for alms, or whoever having the custody, charge or care of a child, connives at or encourages the employment or the causing of a child to ask for alms shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to two years or with fine or with both.

23. *Punishment for refusing to go before a Magistrate.*—Any person refusing or failing to accompany a Police Officer, Sanitary Inspector, Scout Master, Excise Officer, or any other officer authorised in this behalf to, or to appear before, a Magistrate, when required by such officer under section 8 to do so, may be arrested by any such officer without warrant and shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one month or with fine or with both.

24. *Punishment for refusing to submit to medical examination at a receiving centre.*—Any vagrant who refuses to submit to a medical examination by the medical officer of a receiving centre shall be liable to be punished on conviction before a Magistrate with rigorous imprisonment for a term which may extend to one month.

25. *Punishment for escape from receiving centre or relief settlement and for asking for alms after discharge.*—(*i*) Any vagrant who escapes from any custody to which he has been committed under this Act or any rule made thereunder or who leaves a receiving centre without the

LIBRARY ARCHIVES Kerala Legislative Assembly

permission of the Officer-in-charge thereof, or who leaves a relief settlement without the permission of the Manager thereof or who, having with the permission of such Officer-in-charge or Manager, as the case may be, left a receiving centre or a relief settlement for a time specified under any rule referred to in sub-section (*i*) of section 16, wilfully fails to return on the expiration of such time, may be arrested without warrant, and shall for every such offence, be liable to be punished, on conviction before a Magistrate, with simple or rigorous imprisonment for a term which may extend to six months.

(*ii*) Any person who, after discharge from a relief settlement under section 19, is again found asking for alms may be arrested by any of the officers mentioned in section 8 without warrant and be produced before a Magistrate who after summary enquiry may convict him and sentence him to simple or rigorous imprisonment for a period not exceeding three months.

26. *Procedure at the end of imprisonment.*—Every person imprisoned under the provisions of sub-section (*iii*) of section 16, sub-section 2 of section 19, section 23, section 24, or section 25 shall at the end of his term of imprisonment be brought under police custody before the nearest Magistrate who shall forthwith deal with such person in the manner laid down in sections 9, 10 and 11, as if such person had been brought before such Magistrate under the provisions of section 8:

Provided that, if the said Magistrate is of the opinion that such person would, if detained under this Act as a vagrant in a relief settlement be eligible to be discharged therefrom under the provisions of sub-section (*i*) of section 19, he may, instead of dealing with such person as aforesaid, direct that such person be released and such person shall thereupon be set at liberty.

27. *Fines.*—(*i*) Fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, II of 1086.

(*ii*) Fines recovered under this Act shall be credited to the Vagrant Relief Fund.

28. *Appeals.*—Appeals shall lie to the District Magistrate from any order passed by a Magistrate under the provisions of this Act and notwithstanding the provisions of the Code of Criminal Procedure, II of 1086, the orders passed by the District Magistrate on such appeals shall be final.

CHAPTER VI

Miscellaneous

29. *Persons to be deemed public servants.*—All persons empowered to perform any function under this Act shall be deemed to be public servants within the meaning of section 15 of the Cochin Penal Code.

30. *Indemnity.*—No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is in good faith done or intended to be done under this Act.

31. *Power to make rules.*—(1) Government may make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely.—

(*a*) the constitution of the Central and Local Committees;

(*b*) the manner in which the summary enquiry referred to in sub-section (*i*) of section 9 shall be made;

(*c*) the manner in which a vagrant is to be sent to a receiving centre under sub-section (*i*) of section 10;

(*d*) the types of works for which a vagrant may be reported fit under clause (*e*) of sub-section (*iii*) of section 10;

(*e*) the manner in and the extent to which the provisions of sub-section (*iii*) of section 11 in respect of children shall be relaxed;

(*f*) the manner in which the money found with or on or the proceeds of the sale of other personal effects of, a vagrant may be applied to the welfare of vagrants under section 15;

(*g*) the management and discipline referred to in sub-section (*i*) of section 16 to which vagrants detained in receiving centres and relief settlements shall be subject;

(*h*) the type of the hard labour which is to form punishment which may be awarded under sub-section (*iii*) of section 16;

(*i*) the manner in which a vagrant may be sent from one relief settlement to another under section 17;

(*j*) the manner in which the Manager of a relief settlement is to certify under clause (*a*) of sub-section (*i*) of section 19 that satisfactory employment has been obtained for a vagrant;

LIBRARY ARCHIVES Kerala Legislative Assembly

(*k*) the amount of the bond referred to in clause (*c*) of sub-section (*i*) of section 19 ;

(*l*) the manner in which the cess referred to in section 20 may be levied and collected ; and

(*m*) the returns to be furnished by land-holders, tenants and merchants.

(3) In making any rule under this section, Government may provide that a breach of the rule shall be punishable with fine not exceeding Rs. 500.

Statement of Objects and Reasons

Government considered that it was high time to take steps to prevent vagrancy and afford relief to vagrants. With this object in view a committee composed of officials and non-officials was appointed to go into the whole question and report on the remedial measures to be adopted. The committee have in their report recommended that vagrancy may be prohibited and that the vagrants may be maintained by the State, the expenditure in this behalf being met by the levy of a Cess. Government agree with the main recommendations of the committee and this Bill is intended to achieve these objects.

LIBRARY ARCHIVES Kerala Legislative Assembly